

## **TURKISH CRIMINAL LAW1**

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### **BOOK ONE**

#### **General provisions**

### **PART ONE**

#### **Basic Principles, Definitions and Field of Application**

### **FIRST PART**

#### **Basic Principles and Definitions**

##### **Purpose of the Criminal Code**

**Article 1-** (1) Purpose of the Criminal Code; to protect individual rights and freedoms, public order and security, the rule of law, public health and the environment, public peace, and to prevent crime. In the law, the basic principles of criminal responsibility and the types of crimes, punishment and security measures are regulated in order to achieve this aim.

##### **Principle of legality in crime and punishment**

**Article 2-** (1) No penalty can be given to anyone and no security measures can be applied for an act that is not clearly considered a crime by the law. No penalty and security measures other than the penalties and security measures written in the law can be imposed.

(2) No crime or punishment can be imposed with the regulatory actions of the administration.

(3) Comparisons cannot be made in the implementation of the provisions of the laws that include crime and punishment. Provisions involving crime and punishment cannot be broadly interpreted to lead to analogy.

##### **The principle of justice and equality before the law**

**Article 3-** (1) Penalties and security measures commensurate with the gravity of the act committed shall be imposed on the person who committed the crime.

(2) In the application of the Criminal Code, no discrimination can be made between persons in terms of race, language, religion, sect, nationality, color, gender, political or other ideas or thoughts, philosophical belief, national or social origin, birth, economic and other social positions, and no one can be discriminated against. privilege cannot be recognized.

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<sup>1</sup> Please refer to the Law No. 5252 of 4/11/2004 regarding the enforcement and implementation of this Law and the references made in various legislation to the Turkish Penal Code No. 765.

### **Binding of the law**

**Article 4-** (1) Ignorance of penal laws is not an excuse.

(2) **(Repealed: 29/6/2005 – 5377/1 art.)**

### **Relationship with special laws**

**Article 5-** (1) General provisions of this Law, special penal laws and penalties

It also applies to crimes in the law.

### **Definitions**

**Article 6-** (1) In the implementation of penal laws;

a) From the expression "citizen"; the person who is a Turkish citizen at the time of the act,

b) From the term "child"; person who has not yet turned eighteen years of age,

c) From the term public servant; appointment or election to the conduct of public activity

the person who participates permanently, temporarily or temporarily,

d) From the statement of the judicial officer; members and judges of high courts, civil and administrative courts, public prosecutor and lawyers,<sup>2</sup>

e) From the phrase night time; starting one hour after sunset and time period lasting up to one hour ago,

f) From the term weapon;

1. Firearms,

2. Explosives,

3. Any cutting, piercing or injuring device made for use in attack and defense.

tool,

4. Even if it is not made for the purpose of attack and defense, it is actually used in attack and defense. other useful things,

5. Burning, corrosive, injurious, suffocating, poisonous, causing permanent disease nuclear, radioactive, chemical, biological substances,

g) By means of the press and publication; publications made by all kinds of written, visual, audio and electronic mass media,

h) From the phrase "conventional offender"; Person who commits the basic form of an intentional crime or the qualified forms requiring more severe or less punishment more than twice in a year and at different times,

i) From the expression of the person who takes the crime as a profession; A person who is used to making a living, albeit partly, from the profits of crime,

j) From the phrase "member of the organization guilty"; a person who establishes, manages, joins, or commits a crime on behalf of a criminal organization, with or without others,

understandable.

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<sup>2</sup> With the Article 156 of the Decree Law No. 700 dated 2/7/2018, the phrase "and judicial, administrative and military" in this paragraph has been changed to "judicial and administrative".

## **SECOND PART**

### **Application Area of the Law**

#### **application in terms of time**

**ARTICLE 7-** (1) No one can be punished or a security measure can be applied for an act that was not considered a crime according to the law in force at the time it was committed. No one can be punished and no security measures can be applied for an act that is not considered a crime according to the law that came into force after it was committed. If such a penalty or security measure has been decreed, its execution and legal consequences will automatically be lifted.

(2) The law in force at the time the offense was committed

If the provisions of the laws are different, the law in favor of the perpetrator is applied and executed.

(3) **(Amended: 29/6/2005 – 5377/2 art.)** Postponement of prison sentence, conditional release and except those related to recurrence; The provisions regarding the execution regime are immediately applied.

(4) Temporary or temporary laws, which have been committed during the period in which they are in force. continues to be applied to crimes.

#### **Application in terms of location**

**Article 8-** (1) Turkish laws are applied for crimes committed in Turkey. If the act is partially or wholly committed in Turkey or if the result takes place in Turkey, the crime is deemed to have been committed in Turkey.

(2) Crime;

a) In Turkish land and airspaces and Turkish territorial waters,

b) In the open sea and in the airspace above it, in Turkish sea and aircraft or with these vehicles,

c) Turkish naval and air combat vehicles or with these vehicles,

d) On or against fixed platforms established on the continental shelf or exclusive economic zone of Turkey,

When processed, it is considered processed in Turkey.

#### **Sentencing in a foreign country**

**ARTICLE 9-** (1) A person who has been sentenced in a foreign country for the crime he committed in Turkey shall be tried again in Turkey.

#### **duty offenses**

**ARTICLE 10-** (1) A person who has undertaken a civil service or duty on behalf of Turkey in a foreign country and commits a crime because of this, shall be tried again in Turkey, even if a sentence of conviction has been rendered in the foreign country regarding this act.

#### **crime committed by a citizen**

**ARTICLE 11-** (1) If a Turkish citizen commits a crime in a foreign country, which requires a prison sentence of not less than one year according to Turkish laws, except for the crimes listed in Article 13, and if he is in Turkey, no judgment has been given in the foreign country for this crime. and punishable under Turkish law, provided that it is prosecutable in Turkey.

(2) When the crime requires a prison sentence of less than one year, the trial is subject to the complaint of the injured party or the foreign government. In this case, the complaint must be made within six months from the date the citizen entered Turkey.

#### **crime committed by foreigner**

**ARTICLE 12-** (1) Except for the offenses specified in Article 13, if a foreigner commits a crime that requires at least one year imprisonment in a foreign country to the detriment of Turkey and he is in Turkey, he shall be punished according to Turkish laws.

The trial is subject to the will of the Minister of Justice.

(2) If the crime specified in the above paragraph is committed to the detriment of a Turkish citizen or a private law legal entity established in accordance with Turkish laws and the perpetrator is present in Turkey, the perpetrator is punished according to Turkish laws upon the complaint of the injured party, provided that no judgment has been rendered in a foreign country for this crime. .

(3) If the victim is a foreigner, the perpetrator will be referred to the Minister of Justice if the following conditions are met. judged by the request:

a) Imprisonment for the crime, the lower limit of which is not less than three years according to Turkish laws. require.

b) There is no agreement on extradition or the request for extradition has not been accepted by the government of the country where the crime was committed or the state of which the perpetrator is a national.

(4) Upon the request of the Minister of Justice, a retrial shall be held in Turkey for the foreigner who has been convicted by a foreign court for the crime within the scope of the first paragraph, or whose case or penalty has been dropped or acquitted for any reason, or whose crime is no longer prosecutable.

(5) (**Annex: 18/6/2014-6545/56 art.**) Bribery and influence in cases falling within the scope of the first paragraph prosecution for trafficking offenses is not dependent on the will of the Minister of Justice.

#### **Other crimes**

**Article 13-** (1) The following crimes are committed by a citizen or a foreigner in a foreign country. In case of processing, Turkish laws apply:

a) Offenses under Book Two, Part One.

b) Third, Fourth, Fifth, Sixth under Book Two, Part Four, Offenses in Chapters Seven and Eight.

c) Torture (articles 94, 95).

d) Intentional pollution of the environment (article 181).

e) Manufacture and trade of drugs or stimulants (article 188), facilitating the use of drugs or stimulants (article 190).

f) Counterfeiting of money (article 197), means of producing money and valuable stamps production and trade (article 200), counterfeiting of seals (article 202).

g) Prostitution (article 227).

h) **(Repealed: 26/6/2009 – 5918/1 art.)**

i) Hijacking or detention of sea, rail or air transportation vehicles

(article 223, paragraph 2, 3) or causing damage to these vehicles (article 152).

(2) **(Additional second paragraph: 29/6/2005 – 5377/3 art.)** Except for those in the Third, Fourth, Fifth, Sixth and Seventh Chapters of the Second Book, Chapter Four; The prosecution in Turkey for the crimes covered by the first paragraph is subject to the request of the Minister of Justice.

(3) Even if a conviction or acquittal decision has been rendered in a foreign country due to the offenses specified in subparagraphs (a) and (b) of the first paragraph, a trial shall be held in Turkey upon the request of the Minister of Justice.<sup>3</sup>

#### **Investigation in elective penalties**

**ARTICLE 14-** (1) In cases specified in Articles 11 and 12, if the application of either prison sentence or a judicial fine is considered optional in the article of the law regarding the crime subject to investigation, no investigation or prosecution shall be initiated.

#### **Calculation of the penalty, which is the condition of the investigation**

**ARTICLE 15-** (1) In cases where the amount constitutes a condition for investigation, the penalty shall be calculated by considering the lower limit of the legal aggravating factors and the upper limit of the legal mitigating circumstances, which are asserted during the investigation phase.

#### **Withholding from punishment**

**ARTICLE 16-** (1) The time spent in detention, observation, detention or conviction in a foreign country due to a crime wherever it was committed is deducted from the penalty to be imposed in Turkey for the same crime.

#### **deprivation of rights**

**ARTICLE 17-** (1) In the cases explained in the above articles, the court, upon the request of the public prosecutor, decides that the results of the Turkish laws shall be valid, if the judgment rendered by foreign courts that does not contradict the Turkish legal order necessitates a deprivation of right under Turkish law.

#### **Give back**

**Article 18- (Repealed: 23/4/2016-6706/36 art.)**

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<sup>3</sup> While the number of this paragraph was (2), it was repeated as (3), since the second paragraph was added after the first paragraph, with Article 3 of the Law dated 29/6/2005 and numbered 5377.

### **Consideration of foreign law**

**ARTICLE 19-** (1) While making a trial in Turkey for crimes committed outside Turkey's jurisdiction, the penalty to be imposed according to Turkish law cannot be more than the upper limit of the penalty stipulated in the law of the country where the crime was committed.

(2) However, the crime;

a) Against or to the detriment of Turkey's security,

b) Private law legal entities established against Turkish citizens or in accordance with Turkish laws.

to the detriment of the person,

In case of processing, the provision of the above paragraph does not apply.

## **PART TWO**

### **Principles of Criminal Liability**

#### **FIRST PART**

#### **Personality of Criminal Responsibility, Caste and Negligence**

##### **Personality of criminal responsibility**

**Article 20-** (1) Criminal liability is personal. No one can be held responsible for the actions of another.

(2) Penal sanctions cannot be imposed on legal persons. However, the sanctions, which are in the nature of a security measure foreseen in the law due to the crime, are reserved.

##### **Caste**

**Article 21-** (1) The occurrence of the crime depends on the existence of the intent. Caste, the law of crime It is the knowing and willful realization of the elements in the definition.

(2) Even though the elements in the legal definition of the crime predict that it can happen, there is probable intent if the person commits the act. In this case, the offender is sentenced to life imprisonment in offenses requiring aggravated life imprisonment, and from twenty years to twenty-five years in offenses requiring life imprisonment; for other crimes, the basic penalty is reduced from one third to half.

##### **negligence**

**ARTICLE 22-** (1) Acts committed by negligence are punished in cases clearly specified by the law.

(2) Due to negligence, violation of the duty of care and attention, an act is a criminal offence.  
is to be carried out without foreseeing the result specified in the legal definition.

(3) Although the person does not want the expected result, if the result occurs  
there is conscious negligence; in this case, the penalty for negligent offense is increased from one third to one half.

(4) The punishment to be given for the crime committed by negligence is determined according to the fault of the perpetrator.

(5) In crimes committed by more than one person negligently, everyone is guilty of his own fault.  
becomes responsible. The punishment of each perpetrator is determined separately according to his fault.

(6) If the result caused by the negligent act has caused the perpetrator to be a victim in a way that makes it unnecessary to impose a penalty, exclusively in terms of his personal and family situation, no punishment is given; The penalty to be imposed in case of deliberate negligence can be reduced from half to one sixth.

#### **Aggravated crime by consequence**

**ARTICLE 23-** (1) If an act causes a result that is more severe or different than what is intended, in order for the person to be held responsible for this, he must act with negligence at least in terms of this result.

### **SECOND PART**

#### **Reasons Eliminating or Reducing Criminal Liability**

##### **The provision of the law and the order of the superior**

**Article 24-** (1) No penalty shall be imposed on anyone who fulfills the provisions of the law.

(2) An order issued by a competent authority whose fulfillment is obligatory as a duty.

The implementer is not responsible.

(3) An order whose subject constitutes a crime cannot be carried out under any circumstances. Otherwise, instead

The one who gives the order and the one who gives the order are responsible.

(4) In cases where the inspection of the lawfulness of the order is prevented by law, the one who gives the order is responsible for its execution.

##### **Legitimate defense and state of necessity**

**ARTICLE 25-** (1) The perpetrator shall not be punished for acts committed with the obligation to repel an unjust attack, which has taken place, which is certain to occur or is certain to happen again, against a right belonging to himself or to another person, in proportion to the attack, according to the situation and conditions at that moment.

(2) The perpetrator of the acts committed against a right belonging to himself or another person, which he did not cause knowingly and which cannot be protected by any other means, with the obligation to get rid of or to save someone else, and on the condition that there is a proportionality between the gravity of the danger and the subject and the vehicle used. no penalty is given.

##### **Use of the right and consent of the person concerned**

**ARTICLE 26-** (1) No penalty shall be imposed on anyone who exercises his right.

(2) To be related to a right that the person can dispose of in absolute terms.

No one shall be punished for an act committed within the framework of his/her consent.

##### **crossing the border**

**ARTICLE 27-** (1) In the event that the limit is exceeded unintentionally for reasons that remove criminal responsibility, and if the act is penalized even if it was committed negligently, one-sixth of the penalty written in the law for negligent offense is reduced to one-third.

(2) Crossing the line in legitimate defense causes excusable excitement, fear, or  
If it is due to rush, the perpetrator is not punished.

#### **Force and violence, intimidation and threat**

**ARTICLE 28-** (1) No penalty shall be imposed on anyone who commits a crime as a result of force or violence that he cannot resist or escape from, or as a result of certain and severe intimidation or threat. In such cases, the person who uses force and violence, intimidation and threat is considered the perpetrator of the crime.

#### **unfair provocation**

**ARTICLE 29-** (1) A person who commits a crime under the influence of anger or severe pain caused by an unjust act is sentenced to eighteen years to twenty-four years instead of aggravated life imprisonment, and from twelve years to eighteen years instead of life imprisonment. In other cases, one-fourth to three-quarters of the penalty to be imposed is reduced.

#### **Error**

**ARTICLE 30-** (1) A person who does not know the material elements in the legal definition of the crime during the execution of the act does not act deliberately. Due to this error, negligent liability is reserved.

(2) Qualified forms of a crime that require a heavier or lesser penalty occur.  
The person who makes a mistake in this matter takes advantage of this mistake.

(3) The conditions for the reasons that remove or reduce the criminal liability are realized.  
The person who makes an inevitable mistake in this matter takes advantage of this mistake.

(4) **(Additional paragraph: 29/6/2005 – 5377/4 art.) Regarding** the fact that his act constitutes injustice  
The person who makes an inevitable mistake will not be punished.

#### **underage**

**ARTICLE 31-** (1) Children who have not completed the age of twelve at the time of committing the act are not criminally liable. Criminal prosecution cannot be made against these persons; however, child-specific safety precautions may apply.

(2) **(Amendment: 29/6/2005 – 5377/5 art.)** Persons who have completed the age of twelve but not completed the age of fifteen at the time of committing the act cannot perceive the legal meaning and consequences of the act or if their ability to direct their behavior is not sufficiently developed, there is no criminal responsibility. However, child-specific security measures are imposed on these persons. If he has the ability to perceive the legal meaning and consequences of the act he has committed and to direct his behavior in relation to this act, if the crime requires aggravated life imprisonment, from twelve years to fifteen years; if it requires life imprisonment, it is sentenced to imprisonment from nine years to eleven years.

Half of the other sentences are reduced and in this case the prison sentence for each act is more than seven years.  
I can't be.



(3) **(Amendment: 29/6/2005 – 5377/5 art.)** For persons who have attained the age of fifteen but not attained the age of eighteen at the time of committing the act, if the offense necessitates aggravated life imprisonment, from eighteen years to twenty-four years; if it requires life imprisonment, he is sentenced to imprisonment from twelve to fifteen years. One third of the other penalties are reduced and in this case, the prison sentence for each act cannot exceed twelve years.

#### **mental illness**

**ARTICLE 32-** (1) A person who, due to mental illness, cannot perceive the legal meaning and consequences of the act he has committed, or whose ability to direct his behavior in relation to this act is significantly reduced, is not punished. However, security measures are imposed on these persons.

(2) A person whose ability to direct his behavior in relation to the act he has committed, although not to the extent stated in the first paragraph, has decreased, is sentenced to twenty-five years instead of aggravated life imprisonment, and twenty years instead of life imprisonment. In other cases, the penalty to be imposed may be reduced by no more than one sixth. The sentenced sentence can also be applied partially or completely as a security measure specific to mental patients, provided that its duration is the same.

#### **Deaf and dumb**

**ARTICLE 33-** (1) The provisions of this Law pertaining to children who have not completed the age of twelve at the time of the deed shall apply to deaf and dumb persons who have not completed the age of fifteen; the provisions regarding those who have completed the age of twelve but have not completed the age of fifteen; The provisions regarding those who have completed the age of fifteen but have not completed the age of eighteen shall also apply to the deaf and dumb persons who have completed the age of eighteen but have not completed the age of twenty-one.

#### **Temporary causes, being under the influence of alcohol or drugs**

**ARTICLE 34-** (1) A person who cannot perceive the legal meaning and consequences of the act committed for a temporary reason or under the influence of alcohol or drugs taken involuntarily, or whose ability to direct his behavior in relation to this act has significantly decreased, is not punished.

(2) Person who commits a crime under the influence of alcohol or drugs taken voluntarily  
The provision of the first paragraph does not apply.

### **THIRD PART**

#### **Attempted Crime**

##### **attempted crime**

**ARTICLE 35-** (1) If the person cannot complete a crime that he intends to commit by means of appropriate actions and cannot complete it for reasons beyond his control, held responsible.

(2) In case of attempted crime, the perpetrator is sentenced to imprisonment from thirteen years to twenty years instead of aggravated life imprisonment, and from nine years to fifteen years instead of life imprisonment, depending on the gravity of the damage or danger. In other cases, one-fourth to three-quarters of the penalty to be imposed is reduced.

### **Voluntary opt-out**

**ARTICLE 36-** (1) If the perpetrator voluntarily abandons the execution actions of the crime or prevents the completion of the crime or the realization of the result with his own efforts, he will not be punished for the attempt; but if the complete part essentially constitutes a crime, it is punished only with the penalty for that crime.

## **CHAPTER FOUR**

### **Participation in Crime**

#### **agency**

**ARTICLE 37-** (1) Each person who commits the act together in the legal definition of the crime is responsible as the perpetrator.

(2) The person who uses another person as a tool in the commission of the crime is also held responsible as the perpetrator. The penalty of a person who uses those who do not have the ability to fault as a tool in committing the crime is increased from one third to one half.

#### **persuasion**

**ARTICLE 38-** (1) The person who incites another to commit a crime is punished with the crime committed. punished.

(2) In case of instigating a crime by using influence arising from the relationship of superior and descendant, the punishment of the instigator is increased from one third to half. If children are incited to commit a crime, the existence of an ascendant and descendant relationship in order to increase the punishment according to the provision of this paragraph. not searched.

(3) In the event that the instigator is not known, the perpetrator or other accomplice may be sentenced to imprisonment from twenty years to twenty-five years instead of aggravated life imprisonment, and from fifteen years to twenty years instead of life imprisonment. In other cases, the penalty to be imposed may be reduced by one third.

#### **Help**

**ARTICLE 39-** (1) From fifteen years to twenty years, if the offense requires aggravated life imprisonment; if it requires life imprisonment, a prison sentence of ten to fifteen years is imposed. In other cases, half of the penalty is reduced. However, the penalty to be imposed in this case cannot exceed eight years.

(2) In the following cases, the person is responsible for the crime committed as a helper:

a) To encourage committing a crime or to strengthen the decision to commit a crime or to promise to help after the crime has been committed.

b) To provide guidance on how to commit the crime or to use the provide tools.

c) To facilitate the execution of the crime by helping before or during the commission of the crime.

#### **Loyalty rule**

**ARTICLE 40-** (1) The existence of an intentionally and illegally committed act is sufficient for participation in a crime. Each person who participates in the commission of the crime is punished according to his own faulty act, regardless of the personal reasons that prevent the punishment of the other.

(2) In specific crimes, only the person who has the characteristics of a special agency can be the perpetrator. These crimes Other persons participating in its processing are held liable as instigators or aiders.

(3) In order to be held responsible for complicity, the crime must have reached at least the stage of attempt.

#### **Voluntary renunciation in crimes committed with participation**

**ARTICLE 41-** (1) In crimes committed with participation, only the accomplice who voluntarily gives up, benefit from voluntary waiver provisions.

(2) Your crime;

a) It has not been committed for any reason other than the effort of the voluntary waiver,

b) The voluntary renunciation has been committed despite all his efforts,

In such cases, voluntary waiver provisions are applied.

### **CHAPTER FIVE**

#### **Confusion of Crimes**

##### **compound crime**

**ARTICLE 42-** (1) The crime that is considered a single act as one constitutes the element or aggravating reason of the other is called a compound crime. In such crimes, the provisions of the common law do not apply.

##### **chain crime**

**ARTICLE 43-** (1) In case the same crime is committed more than once against a person at different times within the scope of the execution of a decision to commit a crime, a penalty is imposed. However, this penalty is increased from one quarter to three quarters. The basic form of a crime and its qualified forms that require more severe or less punishment are considered the same crime. **(Additional sentence: 29/6/2005 – 5377/6 art.)**

The provision of this paragraph is also applied in crimes where the victim is not a specific person.

(2) In case the same crime is committed with a single act against more than one person, the first clause is applied.

(3) The provisions of this article do not apply to the crimes of willful killing, deliberate injury, torture and plunder.<sup>4</sup>

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<sup>4</sup> The phrase "sexual assault, sexual abuse of children" in this paragraph has been removed from the text of the article with Article 6 of the Law No. 5377 dated 29/6/2005.

### **drinking ideas**

**ARTICLE 44-** (1) A person who causes more than one different crime to occur with an act he has committed is punished for the crime that requires the heaviest penalty.

## **PART THREE**

### **sanctions**

## **FIRST PART**

### **Penalties**

#### **Penalties**

**ARTICLE 45-** (1) Penalties, imprisonment and judicial fine as sanction applied in return for crime are penalties.

#### **prison sentences**

**ARTICLE 46-** (1) The prison sentences are as follows:

- a) Aggravated life imprisonment.
- b) Life imprisonment.
- c) Timed imprisonment.

#### **Aggravated life imprisonment<sup>5</sup>**

**ARTICLE 47-** (1) The sentence of aggravated life imprisonment continues throughout the life of the convict and is served in accordance with the strict security regime specified in the law and the regulation issued by the President.

#### **Life imprisonment**

**ARTICLE 48-** (1) Life imprisonment continues throughout the life of the convict.

#### **Timed imprisonment**

**ARTICLE 49-** (1) The sentence of imprisonment cannot be less than one month or more than twenty years, unless otherwise stated in the law.

(2) A sentence of imprisonment for one year or less is a short-term prison sentence.

#### **Alternative sanctions to short-term imprisonment**

**ARTICLE 50-** (1) A short-term prison sentence depends on the criminal's personality, social and economic according to his situation, the regret he felt during the trial and the characteristics of the crime;

- a) Judicial fine,
- b) Restitution of the damage suffered by the victim or the public, restoring it to the state before the crime or its complete elimination by compensation,

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<sup>5</sup> With the 156th article of the Decree Law dated 2/7/2018 and numbered 700, the phrase "in the statute" in this article was changed to "in the regulation issued by the President of the Republic".

- c) For at least two years, when necessary, in order to acquire a profession or art.  
to continue in an educational institution with accommodation,
- d) Prohibition from going to certain places or doing certain activities for a period of half to one-fold of the sentenced sentence,
- e) In case a crime has been committed by abusing the rights and powers it provides or by acting against the obligation of care and attention; to take back the relevant license and license documents, to be prohibited from doing a certain profession and art, for a period from half to one fold of the sentenced sentence,
- f) To be voluntary and for a period of time from half to one times the sentenced sentence.  
to be employed in a publicly beneficial job, provided that  
translatable.
- (2) In the definition of crime, prison sentence and judicial fine are foreseen as alternatives.  
cases, if a sentence of imprisonment has been imposed; this penalty is no longer converted into a judicial fine.
- (3) Provided that they have not been sentenced to a prison sentence before, a prison sentence of thirty days or less and one year or less imprisonment for those who have not completed the age of eighteen or who have completed the age of sixty-five on the date of the crime, are among the alternative sanctions stated in the first paragraph. turns into one.
- (4) Even if the prison sentence for negligent offenses is long; this penalty may be converted into a judicial fine in accordance with subparagraph (a) of the first paragraph, in the presence of other conditions.  
However, this provision shall not be applied in case of deliberate negligence.
- (5) In practice, the actual conviction is the judicial money converted in accordance with the provisions of this article.  
punishment or precaution.
- (6) If, despite the notification made by the Public Prosecutor's Office after the verdict is finalized, the fulfillment of the requirements of the alternative measure is not started within thirty days, or if it is started and not continued, the execution judge decides that the short-term prison sentence shall be fully or partially executed and this decision shall be executed immediately. In this case, the provision of the fifth paragraph does not apply.<sup>67</sup>
- (7) In the event that the alternative measure ordered cannot be implemented due to reasons beyond the control of the convict, the measure is changed by the execution judgeship. (7)

#### **Postponement of prison sentence**

**ARTICLE 51-** (1) The sentence of a person who is sentenced to a prison sentence of two years or less for the crime he has committed may be suspended. The upper limit of this period is three years for persons who have not completed the age of eighteen or who have completed the age of sixty-five at the time of the act. However, in order for the postponement decision to be made, the person must;

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<sup>6</sup> With Article 4 of the Law No. 5739 dated 26/2/2008, the phrase "sanction" in this paragraph was changed to "measure" and included in the text.

<sup>7</sup> With Article 8 of the Law No. 7242 dated 14/4/2020, the phrase "court giving the verdict" in the sixth paragraph was changed to "executive judge" and the phrase "by the court that gave the verdict" in the seventh paragraph was changed by the "execution judgeship".

a) Previously sentenced to more than three months' imprisonment for an intentional crime has not been,

b) Due to the remorse he showed during the trial process after committing the crime, the formation of an opinion in the court that he will not commit a crime, must.

(2) Postponement of punishment may be subject to the condition that the damage suffered by the victim or the public is completely remedied by restitution, restitution or compensation. In this case, the sentence continues to be served in the execution institution until the condition is fulfilled.

If the condition is fulfilled, the convict is immediately released from the execution institution by the decision of the execution judge.<sup>8</sup>

(3) An inspection period, which is not less than one year and not more than three years, is determined for the convict whose sentence is suspended. The lower limit of this period cannot be less than the sentenced period.

(4) Within the inspection period;

a) The convict, who does not have a profession or art, continues a training program for this purpose,

b) A convict with a profession or art, in a public institution or privately in the same to be employed for a fee under the supervision of another person who practices a profession or art,

c) In order to enable convicts under the age of eighteen to acquire a profession or art, they attend an educational institution that also provides accommodation, if necessary. to do,

can be decided by the court.

(5) The court may appoint an expert to guide the convict during the inspection period. This person advises the convict to get rid of bad habits and lead a good life with a sense of responsibility; He consults with the officials of the institution where he is educated or the people he works for; It prepares a quarterly report on the convict's behavior, social cohesion and the development of his sense of responsibility and submits it to the execution judge.<sup>(8)</sup>

(6) Considering the personality and social situation of the convict, the court may also decide to pass the inspection period without determining any obligations or assigning an expert.

(7) If the convict commits an intentional crime during the inspection period or insists on not complying with the obligations imposed on him despite the warning of the execution judge; The execution judge decides whether the suspended sentence is partially or completely served in the execution institution.<sup>9</sup>

(8) If the inspection period is spent in compliance with the obligations or in good behavior, the penalty is deemed to have been executed.

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<sup>8</sup> With Article 9 of the Law No. 7242 dated 14/4/2020, the phrase "judge" in the second paragraph was changed to "execution judge" and the phrase "judge" in the fifth paragraph was changed to "execution judge".

<sup>9</sup> With the 9th article of the Law No. 7242 dated 14/4/2020, the phrase "judge" in this paragraph was changed to "executive judge" and the phrase "by the execution judge" was added to the same paragraph after the phrase "to have it taken".

### **Judicial fine**

**ARTICLE 52-** (1) Judicial fine consists of the payment of the amount calculated by multiplying the total number of days determined as less than five days and not more than seven hundred and thirty days in cases where there is no contrary provision in the law, by the amount determined for one day, by the convict to the State Treasury.

(2) Judicial fine of at least twenty and a maximum of one hundred Turkish Liras for one day. The amount is determined by taking into account the economic and other personal conditions of the person.

(3) In the decision, the exact number of days taken as basis for determining the judicial fine and one day. The amount appreciated in return is shown separately.

(4) Considering his economic and personal circumstances, the judge may grant a grace period of not more than one year from the date of finalization of the judgment to the person to pay the judicial fine, or may decide to pay this fine in certain installments.

The installment period cannot exceed two years and the installment amount cannot be less than four. In the decision, it is stated that if one of the installments is not paid on time, the remaining part will be collected in full and the unpaid judicial fine will be converted into imprisonment.

## **SECOND PART**

### **Security measures**

#### **Deprivation of certain rights<sup>1011</sup>**

**ARTICLE 53-** (1) The person is sentenced to imprisonment for the crime he has committed intentionally, as a legal consequence;

a) Assuming a permanent, temporary or temporary public office; In this context, being a member of the Turkish Grand National Assembly or being employed in all civil service and services subject to appointment or election, given by the State, province, municipality, village or institutions and organizations under their control and supervision,

b) Ability to choose and be elected (...) (11) ,

c) Right of custody; to render a guardianship or trusteeship service,

d) Manager of foundations, associations, unions, companies, cooperatives and political party legal entities or being an auditor,

e) Permission of a public institution or professional organization in the nature of a public institution performing a natural profession or art as a self-employed person or a trader under his own responsibility,

is deprived.

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<sup>10</sup> With the Decision of the Constitutional Court dated 8/10/2015 and numbered E.: 2014/140, K.: 2015/85; In the first paragraph of this article, the section "The person, as a legal consequence of being sentenced to imprisonment due to the crime he has committed intentionally;..." in the subparagraph (b) of the same paragraph, in terms of the phrase "... from the capacity to be elected..." sentence..." has been canceled in terms of the phrase "selection and..." in subparagraph (b).

<sup>110</sup> With the Decision of the Constitutional Court dated 8/10/2015 and numbered E.: 2014/140, K.: 2015/85; The phrase "...and exercising other political rights" in the first paragraph of this article and the second paragraph of the same article have been canceled in terms of the phrase "On the capacity to elect and be elected..." in subparagraph (b) of the first paragraph.

(2) Execution of the prison sentence to which the person is convicted for the crime he has committed. cannot use these rights until they are completed.

(3) The provisions of the above subsections are not applicable to the custody, guardianship and trusteeship powers of the convict whose prison sentence is suspended or whose sentence is executed by means of probation or who is released on probation. It may be decided not to apply the deprivation of rights mentioned in subparagraph (e) of the first paragraph about the convict whose sentence of imprisonment has been suspended or whose sentence has been executed by means of probation or who has been released on probation.<sup>12</sup>

(4) A short-term prison sentence is suspended or at the age of eighteen at the time of committing the act. The provisions of the first paragraph shall not apply to persons who have not filled in.<sup>13</sup>

(5) In case of being sentenced to imprisonment due to crimes committed by misuse of one of the rights and powers listed in the first paragraph, it is also decided to prohibit the use of this right and authority from half to one fold of the sentenced sentence, to be executed after the execution of the sentence. In case of only being sentenced to a judicial fine for crimes committed by the abuse of one of these rights and powers, it is decided to prohibit the use of this right and authority from half to one fold of the number of days specified in the provision. The period regarding the prohibition, which is enforced with the finalization of the verdict, starts to run from the execution of the judicial fine.

(6) In case of conviction for negligent offense committed due to violating the duty of care and attention required by a certain profession or art or traffic order, it may be decided to prohibit the practice of this profession or art or to withdraw the driver's license for a period of less than three months and not more than three years. Prohibition and withdrawal come into force with the finalization of the sentence, and the period begins to run from the execution of the sentence in its entirety.

#### **property confiscation**

**ARTICLE 54-** (1) Provided that they do not belong to bona fide third parties, the property used in the commission of an intentional crime or allocated to the commission of the crime or which consists of the crime shall be confiscated. The goods prepared to be used in the commission of the crime are confiscated if they are dangerous in terms of public safety, public health or general morality. **(Additional sentence: 24/11/2016-6763/11 art.)** In case of limited real rights established in favor of bona fide third parties, the confiscation decision is made, provided that this right is reserved.

(2) If the disposal, disposal, consumption or confiscation of the goods covered by the first paragraph is rendered impossible in any other way; It is decided to confiscate the money amount equal to the value of this item.

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<sup>12</sup> With the 10th article of the Law No. 7242 dated 14/4/2020, the phrase "or whose sentence is executed by applying the probation measure" to come after the phrase "deferred or" in the first sentence of this paragraph, and the phrase "whose sentence has been suspended" to the second sentence. or sentenced to be executed by means of probation or released on probation" has been added.

<sup>13</sup> With the Decision of the Constitutional Court dated 8/10/2015 and numbered E.: 2014/140, K.: 2015/85; The phrase "Short-term imprisonment suspended or..." in this paragraph has been canceled in terms of the phrase "... due to the capacity to be elected..." in the first paragraph of the same article.



(3) When it is understood that the confiscation of the goods used in the crime will have more severe consequences than the crime committed, and therefore it will be against equity, their confiscation may not be decreed.

(4) The production, possession, use, transportation, purchase and sale of which constitute a crime. the goods are confiscated.

(5) When confiscation of only parts of something is required, without harming the whole  
If it is possible to separate this part, only this part shall be confiscated.

(6) Regarding the property of which more than one person is a stakeholder, only the person who has participated in the crime the person's share is confiscated.

#### **confiscation of profits**

**ARTICLE 55-** (1) It is decided to confiscate the financial benefits obtained by committing the crime or constituting the subject of the crime or provided for the commission of the crime, and the economic gains resulting from their evaluation or conversion. According to the provision of this paragraph, in order for a confiscation decision to be made, the material benefit must not be returned to the victim of the crime.

(2) In cases where the confiscated goods or material benefits cannot be confiscated or handed over to their authority, the values constituting their equivalent shall be confiscated.

(3) **(Annex: 26/6/2009 – 5918/2 art.)** In order for the goods within the scope of this article to be confiscated, the person who subsequently acquires the goods cannot benefit from the provisions of the Turkish Civil Code dated 22/11/2001 and numbered 4721. must.

#### **Child-specific safety precautions**

**ARTICLE 56-** (1) What the safety measures specific to children are and how they will be applied are indicated in the relevant law.

#### **Security measures specific to mental patients**

**ARTICLE 57-** (1) A security measure shall be imposed on the person who was mentally ill at the time of the act, for the purpose of protection and treatment. Mentally ill people, who are subject to security measures, are taken under protection and treatment in high-security health institutions.

(2) A mentally ill person, for whom a security measure has been ordered, may be released by the decision of the execution judge, after the report prepared by the health board of the institution where he was placed indicates that his danger to society has disappeared or has decreased significantly.<sup>14</sup>

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<sup>14</sup> With Article 4 of the Law No. 7328 dated 17/6/2021, the words "court or judge" in the second and seventh paragraphs were changed as "execution judge" and the phrase "court" in the sixth paragraph was changed as "execution judge". The phrase "by the judge of execution" has been added to come after the phrase "based on".

(3) In the report of the health board, whether medical control and follow-up of the person is required in terms of security, depending on the nature of the mental illness and the act committed, and if necessary, the duration and intervals thereof.

(4) Medical control and follow-up shall be carried out by the Public Prosecutor's Office for the period and intervals indicated in the report. It is ensured that these people are sent to the health institution with technical equipment and authorized specialist.

(5) In medical control and follow-up, when it is understood that the person's mental illness has increased dangerousness, a security measure for protection and treatment is again ordered by the execution judge, based on the report prepared. In this case, the operations specified in the first and the following paragraphs are repeated. (14)

(6) Upon the report of the board prepared in the high security health institution where he was placed in accordance with the provisions of the first and second paragraphs, about the person whose ability to direct his behavior has decreased due to his illness in relation to the act he has committed, the prison sentence to which he has been convicted may be partially or completely, provided that the duration remains the same, with the decision of the execution judge. It can also be applied as a safety precaution specific to patients. (14)

(7) As a safety precaution, it is decided that people addicted to alcohol or drugs or stimulants who commit crimes should be treated in a health institution specific to alcohol or drug or stimulant drug addicts. The treatment of these people continues until they get rid of alcohol or drug or stimulant addiction. These persons may be released with the decision of the execution judge upon a report to be prepared in this direction by the health board of the institution where they are placed. (14)

#### **Repetition of crime and special dangerous offenders**

**ARTICLE 58-** (1) In case a new offense is committed after the verdict given for the previous offense has become final, the provisions of recidivism are applied. The penalty need not be executed for this.

(2) Repetition provisions, due to a previous offense;

a) In case of being sentenced to imprisonment for more than five years, five years from the date of execution of this sentence,

b) In case of being sentenced to imprisonment for five years or less or to a judicial fine, this three years from the date of execution of the sentence,

It is not applicable due to crimes committed after passing.

(3) In case of repetition, if the article of the law regarding the next offence provides an optional prison sentence and a judicial fine, a prison sentence is imposed.

(4) Repetition provisions do not apply between intentional crimes and negligent crimes, and between military crimes and other crimes. Except for the crimes of willful killing, deliberate injury, looting, fraud, manufacturing and trading of drugs or stimulants, and forgery of money or valuable stamps; Judgments given by foreign courts are not subject to repetition.

(5) Offenses committed by persons under the age of eighteen at the time of committing the act therefore, the recidivism provisions do not apply.

(6) In case of recidivism, the sentence is imposed in accordance with the execution regime specific to recidivists. In addition, probation is applied to the recidivist after the execution of the sentence.

(7) In the conviction decision, the execution regime specific to the recidivist about the convict and It is stated that the probation measure will be applied after the execution of the sentence.

(8) Execution of the sentence to which the offenders are sentenced and the measure of probation implementation is done in the manner prescribed by law.

(9) It is decreed that the execution regime specific to repeat offenders and the measure of probation after the execution of the sentence shall also be applied to a habitual offender, a person who takes up the crime as a profession or a member of an organization.

#### **deportation**

##### **Article 59- (Amendment: 31/3/2005 – 5328/1 art.)**

(1) A foreigner who has been sentenced to imprisonment for his crime is immediately notified to the Ministry of Interior to be evaluated regarding deportation procedures, after the decision to execute his sentence or release on probation by means of probation and, in any case, after the execution of his sentence is completed.<sup>15</sup>

#### **Security measures about legal entities**

**ARTICLE 60-** (1) In case of conviction for intentional offenses committed for the benefit of the legal person, with the participation of the organs or representatives of the private law legal entity operating on the basis of the permission granted by a public institution, and by misuse of the authority granted by this permission, the permission shall be cancelled.

(2) Confiscation provisions are also applied to private law legal entities for crimes committed for their benefit.

(3) The application of the provisions of the above paragraphs is more severe than the act committed. The judge may not order these measures, in cases where it may lead to consequences.

(4) The provisions of this article are applied in cases specified by the law.

### **THIRD PART**

#### **Determination and Individualization of Punishment**

##### **Determination of the penalty**

**ARTICLE 61-** (1) The judge, in the concrete case;

- a) The way the crime was committed,
- b) Tools used in committing the crime,
- c) The time and place where the crime was committed,
- d) The importance and value of the subject of the crime,

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<sup>15</sup> With the 5th article of Law No. 7328 dated 17/6/2021, the phrase "benefiting from conditional release" in this article has been changed as "after the decision to execute the sentence or release on probation".

- e) The gravity of the damage or danger,
- f) The weight of the perpetrator's fault based on intent or negligence,
- g) Purpose and motive pursued by the perpetrator,

Taking into account, it determines the basic penalty between the lower and upper limits of the penalty stipulated in the legal definition of the crime committed.

(2) The reduction or increase due to the possible intentional or deliberate negligence of the crime is made over the penalty determined in accordance with the first paragraph.

(3) In cases where the issues specified in the first paragraph constitute the element of the crime, these are not taken into account in determining the basic penalty.

(4) In case of occurrence of more than one type of crime that requires a heavier or lesser penalty than the basic form of a crime; In the basic penalty, first increase and then decrease.

(5) The final penalty is determined by applying the provisions regarding attempt, participation, chain crime, unjust provocation, minor age, mental illness, personal reasons requiring reduction in penalty and discretionary reduction reasons, respectively, over the penalty determined according to the above paragraphs.

(6) The duration of the prison sentence is determined by the calculation of the day, month and year. One day, twenty-four hours; a month is thirty days. Year, calculated according to the official calendar. The remainder of one day for a prison sentence and one Turkish Lira for a judicial fine is not taken into account and these penalties are not executed.

(7) (**Annex: 29/6/2005 – 5377/7 art.**) The final penalty determined in accordance with the provisions of this article cannot be more than thirty years for an offense requiring a term of imprisonment.

(8) (**Annex: 29/6/2005 – 5377/7 art.**) While calculating the judicial fine, increases and reductions for the determination and individualization of the penalty according to the provisions of this article are made on a daily basis. The judicial fine is calculated by multiplying the determined result day with the amount that the person can pay for one day.

(9) (**Annex: 6/12/2006 – 5560/1 art.**) In crimes where a judicial fine is prescribed as an optional penalty, the lower limit of the day unit for this penalty is less than the lower limit of the prison sentence in that crime definition; the upper limit cannot be more than the upper limit of the prison sentence.

(10) Penalties may neither be increased nor decreased unless expressly written in the law.  
can be changed.<sup>1617</sup>

### **Reasons for discretionary discount**

**ARTICLE 62-** (1) In the presence of discretionary reasons to mitigate the sentence in favor of the perpetrator, life imprisonment instead of aggravated life imprisonment; instead of life imprisonment, twenty-five years' imprisonment is imposed. Up to one-sixth of other penalties are reduced.<sup>18</sup>

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<sup>16</sup> While the number of this paragraph was (7), it was repeated as (9) since the seventh and eighth paragraphs were added after the sixth paragraph with Article 1 of the Law No. 5377 dated 29/6/2005.

<sup>17</sup> While the number of this paragraph is (9), with Article 1 of the Law No. 5560 dated 6/12/2006, Since the paragraph numbered (9) was added after the eighth paragraph, it was repeated as (10).

<sup>18</sup> The phrase "five" in this paragraph is used in accordance with Article 2 of the Law No. 5328 of 31/3/2005. It has been changed to "six" and processed into the text.

(2) The perpetrator's past, social relationships, his remorseful behavior after the act and during the trial, or the possible effects of the punishment on the perpetrator's future (...)19 may be considered as grounds for discretionary reduction. **(Additional sentence: 12/5/2022-7406/1 art.)** However, the perpetrator's formal attitudes and behaviors aimed at influencing the court at the hearing are not considered as grounds for discretionary reduction. The reasons for the discretionary discount are indicated in the decision with their justifications. (19)

#### **offset**

**ARTICLE 63-** (1) Any time spent due to all circumstances that occurred before the sentence became final and resulted in restriction of personal freedom are deducted from the sentence of imprisonment. In case of a judicial fine, a reduction is made from this fine, to be counted as one hundred Turkish Liras one day.

## **CHAPTER FOUR**

### **Reduction of Litigation and Punishment**

#### **Death of the accused or convict**

**Article 64-** (1) In case of death of the accused, it is decided to dismiss the public case. However, the litigation may be continued regarding the goods and material interests subject to confiscation due to their nature, and their confiscation may be judged.

(2) The death of the convict abolishes imprisonment and judicial fines not yet executed. However, the judgment regarding confiscation and litigation expenses, which is finalized before death, shall be executed.

#### **Amnesty**

**ARTICLE 65-** (1) In case of general amnesty, the civil lawsuit is dismissed, all the consequences of the sentences imposed disappears with it.

(2) With a special pardon, the serving of the prison sentence in the execution institution may be terminated or The time to be served in the penitentiary institution may be shortened or converted into a judicial fine.

(3) Deprivation of rights, which are due to punishment or specified in the provision, despite special amnesty. continues its effect.

#### **litigation statute of limitations**

**ARTICLE 66-** (1) Except for the cases written otherwise in the law, public action;

- a) Thirty years for crimes requiring aggravated life imprisonment,
- b) Twenty-five years in crimes requiring life imprisonment,
- c) Twenty years for crimes requiring imprisonment not less than twenty years,
- d) Fifteen years for offenses punishable by imprisonment of more than five years and less than twenty years,

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*19 With the 1st article of the Law No. 7406 dated 12/5/2022, the phrase "behavior during the process" in this paragraph was changed to "behaviors showing regret in the process or" and the phrase "such matters" was removed from the text of the article, and the phrase "in the decision" is added to the paragraph. The phrase "with reasons" has been added.*

e) Eight years in offenses requiring imprisonment not more than five years or a judicial fine,

falls through.

(2) For those who have completed the age of twelve but not completed the age of fifteen at the time of committing the act, half of these periods; For persons who have completed the age of fifteen but have not completed the age of eighteen, the civil lawsuit is dismissed after two-thirds of it has passed.

(3) In determining the statute of limitations, in terms of the available evidence in the file  
Qualified forms of crime that require more severe punishment are also taken into consideration.

(4) In determining the periods in the above paragraphs, the upper limit of the penalty specified in the law is taken into account; In crimes requiring elective penalties, imprisonment is taken as a basis in terms of statute of limitations.

(5) **(Amendment: 29/6/2005 – 5377/8 art.)** In cases requiring retrial due to the same act, the statute of limitations for the act starts from the date the court accepts the request in this regard.

(6) The statute of limitations is defined as from the day the crime was committed in completed crimes, from the day of the last act in attempted crimes, from the day of interruption in uninterrupted crimes and from the day when the last crime was committed in successive crimes, in crimes committed against children by super descendants or those who have jurisdiction and influence over them, when the child has completed the age of eighteen. It starts working from day one.

(7) The statute of limitations shall not be applied in case the offenses which require aggravated life sentence or life sentence or more than ten years' imprisonment written in the Fourth Part of the Second Book of this Law are committed abroad.

### **Suspension or interruption of the statute of limitations**

**ARTICLE 67-** (1) In cases where the investigation and prosecution is dependent on the result of an issue to be resolved in another authority, such as obtaining permission or a decision; The statute of limitations for the case shall be suspended until this decision is lifted against the perpetrator of the crime, for whom permission or a decision has been taken or the matter has been resolved, or that he is illegal in accordance with the law.

(2) In relation to a crime;

a) Taking the statement of the suspect or one of the accused before the prosecutor or being questioned,

b) Issuing an arrest warrant for the suspect or one of the accused,

c) Issuing an indictment related to the crime,

d) Conviction decision, even if it is about some of the defendants,  
case, the statute of limitations is suspended.

(3) When the statute of limitations is terminated, the statute of limitations begins to run again. In the event that there is more than one reason to cut the statute of limitations, the statute of limitations starts to run again from the date of the last reason for interruption.

(4) In case of interruption, the statute of limitations is determined in the Law regarding the related crime.  
up to half the time.

#### **Penalty statute of limitations**

**ARTICLE 68-** (1) Penalties written in this article are not executed after the following periods:

- a) Forty years in aggravated life imprisonment.
- b) Thirty years in life imprisonment.
- c) Twenty-four years in prison sentences of twenty years or more.
- d) Twenty years in prison sentences of more than five years.
- e) Up to five years in prison and ten years in judicial fines.

(2) For those who have completed the age of twelve but not completed the age of fifteen at the time of committing the act, half of these periods; For persons who have completed the age of fifteen but have not completed the age of eighteen, the penalty shall not be executed after two-thirds of it has passed.

(3) The statute of limitations does not apply to the sentences of aggravated life imprisonment or life imprisonment or imprisonment for more than ten years given for crimes committed abroad, which are written in the Fourth Part of the Second Book of this Law.

(4) Provisions containing other penalties of different types are not executed after the time limit for the heaviest penalty has elapsed.

(5) Penalty statute of limitations, when the sentence becomes final or the execution is interrupted in any way. It starts to run from the day it is visited and the time is calculated based on the remaining penalty amount.

#### **Penalty statute of limitations and deprivation of rights**

**ARTICLE 69-** (1) The duration of the deprivation of rights, which is due to punishment or specified in the provision penalty continues until the statute of limitations expires.

#### **Timeout in confiscation**

**ARTICLE 70-** (1) The provision regarding the confiscation has passed twenty years after the finalization. not executed afterwards.

#### **Termination of the statute of limitations**

**ARTICLE 71-** (1) Notification by the competent authority to the convict in accordance with the law for the execution of the sentence or the arrest of the convict for this purpose shall break the statute of limitations.

(2) If a person convicted of a crime commits an intentional crime that requires a prison sentence of more than two years, the statute of limitations is suspended.

#### **Calculation and application of statute of limitations**

**ARTICLE 72-** (1) The statute of limitations for litigation and punishment is determined on the basis of days, months and years. One day, twenty-four hours; a month is thirty days. Year, calculated according to the official calendar.

(2) The statute of limitations for action and punishment is applied ex officio and suspects, accused and convicts cannot waive it.

#### **Offenses subject to investigation and prosecution<sup>20</sup>**

**ARTICLE 73-** (1) The authorized person is responsible for the crime whose investigation and prosecution depends on the complaint. If no one makes a complaint within six months, no investigation or prosecution can be carried out.

(2) Provided that it does not exceed the statute of limitations, this period starts from the day when the person who has the right to complain knows or learns about the act and who the perpetrator is.

(3) If one of the few persons who have the right to complain exceeds the six-month period, the rights of the others will not be waived because of this.

(4) Unless otherwise stated in the law, in crimes subject to a complaint, renunciation of the person injured in the crime will drop the case and renunciation after the finalization of the verdict does not prevent the execution of the sentence.

(5) The waiver of a complaint about one of the defendants who committed a crime while participating also covers the others.

(6) Unless otherwise stated in the law, waiver does not affect the accused who does not accept it.

(7) The dismissal of the public case means that the person injured by the crime has abandoned the complaint. and if he has also announced that he has given up his personal rights while giving up, he can no longer file a lawsuit in the civil court.

(8) **(Abolished: 6/12/2006 – 5560/45 art.)**

#### **Effect of dismissal of lawsuit or sentence**

**ARTICLE 74-** (1) General amnesty, special amnesty and waiver of complaint do not require the recovery of the confiscated items or the judicial fine paid.

(2) For the dismissal of the public lawsuit, the recovery of the goods and the compensation of the damage suffered. does not affect the personal rights lawsuit filed.

(3) The reduction of the penalty shall not affect the provisions regarding personal rights, compensation and litigation expenses. However, in the event of a general amnesty, trial expenses cannot be claimed.

#### **Prepayment<sup>21</sup>**

**ARTICLE 75-** (1) Except for the crimes within the scope of reconciliation, the perpetrator of the crimes requiring only a judicial fine or the upper limit of the prison sentence stipulated in the law does not exceed six months;

a) If the judicial fine is fixed, this amount, otherwise the lower limit,

b) Over thirty Turkish Liras per day as the equivalent of the lower limit of the prison sentence.

the amount to be found,

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<sup>20</sup> The phrase "reconciliation" in this title is used in accordance with Article 2 of the Law No. 5560 dated 19/12/2006. removed from the text.

<sup>21</sup> With the 12th article of the Law No. 6763 dated 24/11/2016, the first paragraph of this article field "three" was changed to "six" and "twenty" to "thirty".



c) If a judicial fine is prescribed together with the prison sentence, this  
the amount to be determined according to subparagraph (b) of the paragraph and the lower limit of the judicial fine,

If the payment is made within ten days, upon the notification to be made by the Public Prosecutor's Office,  
together with the investigation expenses, no public action will be taken against him. **(Additional sentences: 17/10/2019-7188/16 Art.)** The Public Prosecutor decides to pay this amount in three equal installments at one-month intervals,  
provided that the perpetrator requests it within ten days. If the installments are not paid on time, the prepayment  
becomes void and the investigation continues. **(Additional sentence: 24/11/2016-6763/12 art.)** Except for negligent  
offenses, a proposal will be made in accordance with this paragraph to the perpetrator who commits a crime subject  
to prepayment within five years from the date on which it is decided that there is no basis for prosecution based on  
prepayment or that the public case is dismissed. The prepayment amount is increased by half.

(2) In the event that the case is referred directly to the court in accordance with the provisions of the special  
law, when the perpetrator pays the amount to be determined according to the provisions of the first paragraph,  
together with the trial expenses, upon the notification to be made by the judge, the civil lawsuit is dismissed.

(3) If a lawsuit is filed by the Public Prosecutor's Office without prepayment due to the crime covered by the  
article, or if the nature of the action subject to the lawsuit turns into a crime within the scope of the article, the above  
paragraph shall also apply.

(4) In cases where only one of the prison sentences with the upper limit not exceeding six months or a  
judicial fine can be applied in the article of the criminal law, the amount to be paid is determined on the basis of the  
judicial fine according to the above paragraphs.<sup>22</sup>

(5) Failure to initiate or abolish a public lawsuit pursuant to this article, personal  
It does not affect the provisions regarding claiming the right, taking back the goods and confiscation.

(6) **(Annex: 24/11/2016-6763/12 art.)** The provisions of this article;

- a) In this Law; 1. Failure to  
fulfill the obligation of assistance or notification (Article 98  
first paragraph)
2. Endangerment of general security by negligence (article 171),  
3. Pollution of the environment by negligence (first paragraph of article 182),  
4. Unlawful use of special signs and clothing (first paragraph of Article 264),  
5. Not reporting the crime (first and second paragraphs of article 278),  
crimes,  
b) First article of Article 108 of Forest Law No. 6831 dated 31/8/1956  
crime in paragraph

c) **(Annex: 17/10/2019-7188/16 art.)** The crime in the first sentence of the second paragraph of Article 74 of  
the Law No. 2863 on the Protection of Cultural and Natural Assets dated 21/7/1983,

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<sup>22</sup> With the 12th article of the Law No. 6763 dated 24/11/2016, the phrase "three" in this paragraph  
Changed to "six".

d) (**Annex: 17/10/2019-7188/16 art.**) Law of Associations No. 5253 dated 4/11/2004

The crime in subparagraph (d) of the first paragraph of Article 32,

also applies. Repeated offenses within the scope of this paragraph within five years

In case of committing a crime, prepayment provisions are not applied to the perpetrator for the same crime.

(7) (**Annex: 24/11/2016-6763/12 art.**) Decisions regarding non-prosecution and dismissal decisions made upon payment are recorded in a system specific to them. These records can only be used for the purpose specified in this article, if requested by the public prosecutor, judge or court in connection with an investigation or prosecution.

## **BOOK TWO**

### **Special provisions**

## **PART ONE**

### **International Crimes**

## **FIRST PART**

### **Genocide and Crimes Against Humanity**

#### **Genocide**

**ARTICLE 76-** (1) The commission of one of the following acts against members of a national, ethnic, racial or religious group with the aim of destroying, in whole or in part, by the execution of a plan, constitutes the crime of genocide:

- a) Intentional killing.
- b) Severe damage to the physical or mental integrity of persons.
- c) To live in conditions that will result in the complete or partial destruction of the Group.  
coercion.

- d) Taking measures to prevent births within the group.
- e) Forcibly transferring children belonging to the group to another group.

(2) The perpetrator of the crime of genocide is sentenced to aggravated life imprisonment. However, in terms of willful killing and intentional injury crimes committed within the scope of genocide, real social gathering provisions are applied by the determined number of victims.

(3) Due to these crimes, security measures are also imposed on legal persons.

(4) The statute of limitations does not apply for these crimes.

#### **crimes against humanity**

**ARTICLE 77-** (1) The following acts are a part of the society with political, philosophical, racial or religious motives. It is a crime against humanity if it is systematically committed in line with a plan against the

- a) Intentional killing.
- b) Intentional injury.
- c) Torture, persecution or enslavement.

- d) Deprivation of personal liberty.
- e) Subjecting to scientific experiments.
- f) Sexual assault, sexual abuse of children.
- g) Forced pregnancy.
- h) Forced prostitution.

(2) If the act in subparagraph (a) of the first paragraph is committed, aggravated life imprisonment for the perpetrator; in case of committing the acts defined in the other subparagraphs, he shall be sentenced to imprisonment not less than eight years. However, in terms of willful killing and intentional injury crimes committed within the scope of subparagraphs (a) and (b) of the first paragraph, the actual social gathering provisions are applied by the determined number of victims.

- (3) Due to these crimes, security measures are also imposed on legal persons.
- (4) The statute of limitations does not apply for these crimes.

#### Organization

**ARTICLE 78-** (1) Any person who establishes or manages an organization with the aim of committing the crimes stated in the above articles is punished with imprisonment from ten to fifteen years. Those who become members of these organizations are sentenced to imprisonment from five to ten years.

- (2) Due to these crimes, security measures are also imposed on legal persons.
- (3) The statute of limitations does not apply for these crimes.

## SECOND PART

### Immigrant Smuggling and Human Trafficking

#### Immigrant smuggling<sup>23</sup>

**Article 79-** (1) In order to obtain material benefit directly or indirectly, through illegal means;

- a) Bringing a foreigner into the country or allowing him to stay in the country,
- b) Enabling Turkish citizens or foreigners to go abroad,

The person is punished with imprisonment from three to eight years and a judicial fine from one thousand days to ten thousand days. **(Additional sentence: 22/7/2010 - 6008/6 art.)** Even if the crime remained at the stage of attempt, it is punished as if it was completed.<sup>24</sup>

- (2) **(Additional paragraph: 22/7/2010 - 6008/6 art. )** a) It poses a danger to life,

- b) Processing it by subjecting it to a degrading treatment,

In this case, the penalty to be imposed is increased from half to two-thirds.<sup>(23)</sup>

(3) **(Amended: 6/12/2019-7196/56 art.)** This crime; If committed by more than one person together, the penalty to be imposed is increased up to half, and if committed within the framework of an organization's activities, the penalty to be imposed is increased from half to one fold.

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<sup>23</sup> After the first paragraph of this article with the 6th article of the Law No. 6008 dated 22/7/2010

A new paragraph has been added to come and the other paragraphs have been supplemented accordingly.

<sup>24</sup> With the 56th article of the Law No. 7196 dated 6/12/2019, the phrase "thousand days" has been added to this paragraph after the phrase "imprisonment from three to eight years".

(4) If this crime is committed within the framework of the activity of a legal person, security measures specific to these are imposed on the legal person.(23)

### **Human trafficking**

**ARTICLE 80- (1) (Amended: 6/12/2006 – 5560/3 art.)** To use threats, pressure, coercion or violence with the aim of forced labor, having to serve, prostitution or captivity, or giving bodily organs, Any person who brings people into the country, takes them out of the country, supplies them, abducts them, transports them from one place to another or sends them to another place or harbors them by abuse, deceiving or obtaining their consent by taking advantage of the control possibilities or desperation over the persons, shall be imprisoned from eight to twelve years and shall be sentenced to ten thousand years. fine up to the next day.

(2) If there are acts that are committed for the purposes specified in the first paragraph and that constitute the crime, the consent of the victim is invalid.

(3) In cases where those who have not completed the age of eighteen are procured, abducted, taken from one place to another or transferred or housed for the purposes specified in the first paragraph, the perpetrator is punished with the penalties specified in the first paragraph, even if none of the instrumental acts belonging to the crime have been resorted to.

(4) Due to these crimes, security measures are also imposed on legal persons.

## **PART TWO**

### **Offenses Against Persons**

#### **FIRST PART**

##### **crimes against life**

##### **deliberate killing**

**ARTICLE 81- (1)** A person who intentionally kills a person is sentenced to life imprisonment.

##### **Qualified cases**

**Article 82- (1)** The crime of deliberate killing;

- a) By designing,
- b) With monstrous feeling or torment,
- c) Fire, inundation, destruction, immersion or bombing, or nuclear, biological or by using chemical weapons,
- d) Against one of the parent or descendant, or against the spouse, divorced spouse or sibling,<sup>25</sup>
- e) Against the child or the person who is unable to defend himself physically or mentally,
- f) **(Amended: 12/5/2022-7406/2 art.)** Against women,

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<sup>25</sup> With Article 6 of the Law No. 7331 dated 8/7/2021, the phrase "spouse" in this paragraph has been changed to "spouse, divorced spouse".

g) Due to the public duty performed by the person,  
h) In order to hide a crime, to remove evidence or to facilitate its commission, or to avoid being caught,<sup>26</sup>

i) (**Annex: 29/6/2005 - 5377/9 art.**) Out of anger because of not being able to commit a crime,

j) With the motive of bloodletting,<sup>27</sup>

k) With the motive of tradition,<sup>(27)</sup>

If committed, the person is punished with aggravated life imprisonment.

### **Deliberate killing with negligent behavior**

**ARTICLE 83-** (1) In order for the person to be held responsible for the result of death that occurred due to not performing a certain executive behavior for which he is liable, the negligence of obligation causing the formation of this result must be equivalent to the executive behavior.

(2) In order for negligence and executive behavior to be considered equivalent, the person must;

a) It has an obligation arising from legal regulations or a contract to perform a certain executive behavior,

b) His previous behavior is dangerous in relation to the life of others.  
situation creation,

must.

(3) The person who causes death by negligence of a certain obligation may be sentenced to twenty years to twenty-five years instead of aggravated life imprisonment, to fifteen years to twenty years instead of life imprisonment, and to ten years to fifteen years in other cases. Similarly, the penalty may not be reduced.

### **Suicide 28**

**ARTICLE 84-** (1) Any person who incites or encourages someone else to commit suicide, strengthens someone else's decision to commit suicide or assists someone else's suicide in any way, is sentenced to imprisonment from two years to five years.

(2) In case of suicide, the person is punished with imprisonment from four to ten years.

(3) Anyone who openly encourages others to commit suicide is punished with imprisonment from three to eight years. (**Repealed second sentence: 29/6/2005 – 5377/10 art.**)

(4) Persons who have not developed the ability to perceive the meaning and consequences of the act they have committed or who have been eliminated, and those who compel them to commit suicide by using force or threat are held responsible for the crime of willful killing.

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<sup>26</sup> 5377 dated 29/6/2005, coming after the phrase "to facilitate" in this paragraph.

With the 9th article of Law No. 9, the phrase "or not to be caught" was added and included in the text.

<sup>27</sup> To come to the article after subparagraph (h) with article 9 of the Law dated 29/6/2005 and numbered 5377  
As subparagraph (i) has been added, other subparagraphs have been supplemented accordingly.

<sup>28</sup> While the title of this article is "Suicide", with Article 10 of the Law No. 5377 dated 29/6/2005  
It has been changed to "suicide orientation" and processed into the text.

### **reckless killing**

**ARTICLE 85-** (1) Any person who negligently causes the death of a person is sentenced to imprisonment from two years to six years.

(2) If the act causes the death of more than one person or the injury of one or more persons together with the death of one or more persons, the person is punished with imprisonment from two years to fifteen years.<sup>29</sup>

## **SECOND PART**

### **Offenses Against Body Immunity**

#### **Intentional injury<sup>30</sup>**

**Article 86-** (1) Intentionally causing pain to another's body or  
The person who causes the deterioration of his ability is punished with imprisonment from one year to three years.

(2) (Additional paragraph: 31/3/2005 – **5328/4 art.**)

If the effect is so mild that it can be eliminated with a simple medical intervention, the victim is sentenced to imprisonment from four months to one year or a judicial fine upon the complaint of the victim. **(Additional sentence: 12/5/2022-7406/3 art.)** In case the crime is committed against a woman, the lower limit of the penalty cannot be less than six months.

(3) The crime of intentional injury;

- a) Against parent, descendant, spouse, divorced spouse or sibling,<sup>31</sup>
- b) Against a person who is unable to defend himself in terms of body or spirit,
- c) Due to the public duty performed by the person,
- d) By abusing the influence of a public official,

e) With a weapon,

f) **(Annex: 14/4/2020-7242/11 art.)** With a monstrous feeling,

If it is committed, the penalty to be imposed is increased by half, without seeking a complaint, and by one fold in terms of subparagraph (f).<sup>32</sup>

#### **Severe injury as a result**

**ARTICLE 87-** (1) The act of intentionally injuring the victim;

- a) Persistent weakening of the function of one of his senses or organs,
- b) Constant difficulty in speaking,
- c) Fixed scar on the face,

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<sup>29</sup> The phrase "three years" in this article is used in the 3rd paragraph of the Law No. 5328 dated 31/3/2005. It was changed as "two years" with the article and was included in the text.

<sup>30</sup> The second paragraph was added to this article with the 4th article of the Law No. 5328 dated 31/3/2005, and in the second paragraph, "a sentence of imprisonment from two to five years is imposed." The phrase "without seeking a complaint, the penalty to be imposed is increased by half." and the paragraph numbers were repeated accordingly.

<sup>31</sup> With Article 7 of the Law dated 8/7/2021 and numbered 7331, the phrase "spouse" in this paragraph is replaced by "wife, divorced spouse".

<sup>32</sup> With the 11th article of the Law No. 7242 dated 14/4/2020, the phrase "in proportion" to this paragraph The phrase "one fold in terms of subparagraph (f)" has been added to come after it.

- d) In a situation that puts his life in danger,
- e) It is committed against a pregnant woman and her child is born prematurely,

If so, the penalty determined according to the above article is increased by one fold. However, the penalty to be imposed cannot be less than three years in cases falling under the first paragraph and five years in cases falling under the third paragraph.<sup>33</sup>

- (2) The act of willful injury, the victim;
  - a) Entering an incurable disease or vegetative life,
  - b) Loss of the function of one of his senses or organs,
  - c) Loss of ability to speak or bear children,
  - d) Constant change of face,
  - e) The miscarriage of a child committed against a pregnant woman,

If so, the penalty determined according to the above article is doubled. However, the penalty to be imposed cannot be less than five years in cases falling under the first paragraph and eight years in cases falling under the third paragraph.<sup>(33)</sup>

(3) **(Amended: 6/12/2006 – 5560/4 art.)** In case the deliberate injury causes bone fracture or dislocation in the body, the penalty determined according to the above article is increased by up to half, depending on the impact of the fracture or dislocation on life functions.

(4) If death has occurred as a result of intentional injury, a prison sentence of eight years to twelve years in cases falling under the first paragraph of the above article, and from twelve years to eighteen years in cases falling under the third paragraph.<sup>3435</sup>

### **Negligent processing of intentional injury<sup>36</sup>**

**ARTICLE 88-**(1) The penalty to be imposed may be reduced up to two-thirds in the event that the intentional injury is committed by negligence. In the implementation of this provision, the conditions regarding the negligent act of willful killing are taken into account.

### **wounding by negligence**

**ARTICLE 89-** (1) A person who negligently inflicts pain on another's body or causes his health or perception ability to deteriorate is punished with imprisonment from three months to one year or a judicial fine.

- (2) The act of injury by negligence, the victim;
  - a) Persistent weakening of the function of one of his senses or organs,

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<sup>33</sup> The phrase "second" in these paragraphs has been changed as "third" with Article 11 of the Law No. 5377 dated 29/6/2005 and included in the text.

<sup>34</sup> The phrase "second" in this paragraph has been changed as "third" with Article 5 of the Law No. 5328 dated 31/3/2005 and included in the text.

<sup>35</sup> With the 12th article of the Law No. 7242 dated 14/4/2020, the phrase "sixteen" in this paragraph has been changed to "eighteen".

<sup>36</sup> While the title of this article was "Cases requiring less punishment", it was changed as it was written in the text with Article 6 of the Law No. 5328 dated 31/3/2005, the first paragraph of the said article was removed from the text, and the second paragraph was repeated as the first paragraph.

- b) Bone fracture in his body,
- c) Constant difficulty in speaking,
- d) Fixed scar on the face,
- e) In a situation that puts his life in danger,
- f) The child of a pregnant woman is born prematurely,

If so, the penalty determined according to the first paragraph is increased by half.

(3) The act of injury by negligence, the victim;

- a) Entering an incurable disease or vegetative life,
- b) Loss of the function of one of his senses or organs,
- c) Loss of ability to speak or bear children,
- d) Constant change of face,
- e) Abortion of a pregnant woman's child,

If so, the penalty determined according to the first paragraph is increased by one fold.

(4) In case the act causes injury to more than one person, a sentence of imprisonment from six months to three years is imposed.

(5) **(Amendment: 6/12/2006 – 5560/5 art.)** The investigation and prosecution of the crime of negligent injury depends on the complaint. However, with the exception of injury within the scope of the first paragraph, a complaint is not sought if the crime is committed with deliberate negligence.

### **Experiment on human**

**ARTICLE 90-** (1) Any person who conducts a scientific experiment on humans is punished with imprisonment from one year to three years.

(2) Criminal responsibility for consensual scientific experiment on human not require;

- a) Necessary permission has been obtained from the competent committee or authorities regarding the experiment,
  - b) The experiment must have been carried out primarily in a non-human experimental environment or on a sufficient number of animals,
  - c) Scientific data obtained as a result of experiments carried out in non-human experimental environments or on animals necessitate making them on humans in order to achieve the desired goal,
  - d) The experiment does not have a predictable harmful and permanent effect on human health,
  - e) During the experiment, painful methods incompatible with human dignity are not applied to the person,
  - f) The purpose of the experiment, the burden it imposes on the person and the health of the person. outweighs the danger,
  - g) Based on adequate information about the nature and results of the experiment
- The declared consent is in writing and not dependent on the provision of any benefit, must.

(3) **(Amended: 31/3/2005 – 5328/7 art.)** Scientific experiment on children is punishable  
In addition to the conditions sought in the second paragraph so that it does not require responsibility;



a) The scientific data obtained as a result of the experiments carried out, necessitating these to be done on children in order to achieve

b) In addition to the consent of the child with the ability to express consent, his/her parents' or obtaining the written consent of the guardian,

c) Presence of a child health and diseases specialist in the authorized boards that will give permission for the experiment, must.

(4) A person who tries to treat a sick person without consent is punished with imprisonment up to one year. However, when it is understood that the application of known medical intervention methods will not yield any results, a therapeutic trial made on the person based on consent based on scientific methods does not require criminal responsibility. The informed consent must be in writing based on adequate information about the nature and results of the trial, and the treatment must be performed by a specialist physician in a hospital setting.

(5) Injury of the victim as a result of committing the crime defined in the first paragraph or In case of death, provisions regarding the crime of willful injury or willful murder shall apply.

(6) The crimes defined in this article are committed within the framework of the activity of a legal person. In the event of a legal person, security measures specific to them shall be imposed.

#### **Organ or tissue trade**

**ARTICLE 91-** (1) Anyone who takes an organ from a person without legally valid consent is sentenced to imprisonment from five to nine years. If the subject of the crime is tissue, a sentence of imprisonment from two to five years is imposed.

(2) A person who unlawfully takes an organ or tissue from a dead person is imprisoned for up to one year. punished with a fine.

(3) Regarding the person who buys, sells or mediates the sale of organs or tissues, the first the penalties specified in the paragraph shall be imposed.

(4) In case the crimes defined in paragraphs one and three are committed within the framework of the activities of an organization, a prison sentence of eight to fifteen years and a judicial fine of up to ten thousand days is imposed.

(5) A person who preserves, transplants or vaccinates an organ or tissue obtained by illegal means is punished with imprisonment from two to five years.

(6) Announcement or publication for the procurement of organs or tissues in return for a certain benefit. The person who advertises or publishes is punished with imprisonment up to one year.

(7) The crimes defined in this article are committed within the framework of the activity of a legal person. In the event of a legal person, security measures specific to them shall be imposed.

(8) If the victim dies as a result of committing the crime defined in the first paragraph, the provisions regarding the crime of willful killing are applied.

### **State of obligation**

**ARTICLE 92-** (1) Considering the social and economic conditions of the person selling his organs or tissues, the punishment to be imposed on him may be reduced or the punishment may be waived.

### **Active regret**

**ARTICLE 93-** (1) If the person who sells his organs or tissues facilitates the arrest of the criminals by informing the authorities of the situation before being informed by the official authorities, no penalty shall be imposed on him.

(2) After the news of this crime, the person selling his organs or tissues voluntarily serves and assists in the emergence of the crime and the arrest of other criminals; Depending on the nature of the aid, the penalty to be imposed on him is reduced from one-fourth to one-half.

## **THIRD PART**

### **Torture and Torment**

#### **Torture**

**ARTICLE 94-** (1) Any public official who commits acts that are incompatible with human dignity and that will cause him to suffer bodily or spiritually, affect his perception or will power, and humiliate him, is sentenced to imprisonment from three years to twelve years. **(Additional sentence: 12/5/2022-7406/4 art.)** In case the crime is committed against a woman, the lower limit of the penalty cannot be less than five years.

(2) Your crime;

a) Against the child, the person who cannot defend himself in terms of body or spirit, or a pregnant woman,

b) Due to his duty to a lawyer or other public official,

If committed, it is punished with imprisonment from eight years to fifteen years.

(3) In case of sexual harassment, a sentence of imprisonment from ten to fifteen years is imposed.

(4) Other persons participating in the commission of this crime are also punished like a public official.

(5) If this crime is committed with negligence, the penalty to be imposed shall not be reduced for this reason.

(6) **(Annex: 11/4/2013-6459/9 art.)** There is no statute of limitations due to this crime.

#### **Aggravated torture as a result**

**ARTICLE 95-** (1) The acts of torture, the victim;

a) Persistent weakening of the function of one of his senses or organs,

b) Constant difficulty in speaking,

c) Fixed scar on the face,

d) In a situation that puts his life in danger,

e) It is committed against a pregnant woman and her child is born prematurely,  
If so, the penalty determined according to the above article is increased by half.

(2) Acts of torture, victim;

- a) Entering an incurable disease or vegetative life,
- b) Loss of the function of one of his senses or organs,
- c) Loss of ability to speak or bear children,
- d) Constant change of face,
- e) The miscarriage of a child committed against a pregnant woman,

If so, the penalty determined according to the above article is increased by one fold.

(3) If the acts of torture cause bone fracture in the body, the life of the fracture

According to the effect on his functions, he is sentenced to imprisonment from eight to fifteen years.

(4) If death has occurred as a result of torture, aggravated life imprisonment.

judged.

### **Grind**

**ARTICLE 96-** (1) A person who commits acts that will cause a person to suffer is sentenced to imprisonment from two to five years. **(Additional sentence: 12/5/2022-**

**7406/5 art.)** In case the crime is committed against a woman, the lower limit of the penalty cannot be less than two years and six months.

(2) The acts within the scope of the above paragraph;

a) Against the child, the person who cannot defend himself in terms of body or spirit, or a pregnant woman,

b) Against parent or descendant, paternity or motherhood or spouse or divorced spouse,<sup>37</sup>

If committed, the person is sentenced to imprisonment from three to eight years.

## **CHAPTER FOUR**

### **Violation of Protection, Oversight, Assistance or Notification Obligation**

abandonment

**ARTICLE 97-** (1) A person who abandons a person who is unable to manage himself due to his age or illness and is therefore under the obligation of protection and supervision, is sentenced to imprisonment from three months to two years.

(2) If the victim is sick, injured or dead due to abandonment, a penalty is imposed according to the aggravated crime provisions.

### **Failure to comply with assistance or notification obligation**

**ARTICLE 98-** (1) Any person who does not help a person who is unable to manage himself due to his age, illness or injury or for any other reason, to the extent permitted by the circumstances, or who does not immediately notify the relevant authorities of the situation, is sentenced to imprisonment of up to one year or a punitive fine. .

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<sup>37</sup> With the 8th article of the Law No. 7331 dated 8/7/2021, the phrase "or the divorced spouse" has been added after the phrase "spouse" in this clause.

(2) Due to the failure to fulfill the obligation of assistance or notification, the person in case of death, he is sentenced to imprisonment from one year to three years.

## **CHAPTER FIVE**

### **Abortion, Abortion or Sterilization**

#### **abortion**

**ARTICLE 99-** (1) Anyone who causes abortion by a woman without her consent is punished with imprisonment from five years to ten years.

(2) Even if there is no medical necessity, even if it is based on consent, a person who aborts the child of a woman whose gestation period is more than ten weeks is sentenced to imprisonment from two years to four years. In this case, the woman who consents to the abortion of her child is sentenced to imprisonment of up to one year or a judicial fine.

(3) If the act written in the first paragraph has caused the woman to suffer physical or mental health damage, the person is sentenced to imprisonment from six to twelve years; If the act causes the death of the woman, it is punished with imprisonment from fifteen to twenty years. judged.

(4) If the act written in the second paragraph has caused the woman to suffer physical or mental health damage, the person is sentenced to imprisonment from three to six years; If the act causes the death of the woman, the sentence is punished with imprisonment from four to eight years.

(5) Even if it is based on consent, if the child of a woman whose gestation period has not completed ten weeks is aborted by an unauthorized person; sentenced to imprisonment from two to four years. If the other acts defined in the above paragraphs are committed by an unauthorized person, the penalty to be imposed according to these paragraphs shall be increased by half.

(6) If the woman becomes pregnant as a result of a crime she is the victim of, the person who terminates the pregnancy is not punished, provided that the duration is not more than twenty weeks and the woman's consent is given. However, for this, the pregnancy must be terminated by specialist physicians in the hospital environment.

#### **Miscarriage**

**ARTICLE 100-** (1) A woman with a gestational age of more than ten weeks willingly If he is dropped, he is sentenced to imprisonment of up to one year or a judicial fine.

#### **Sterilization**

**ARTICLE 101-** (1) Anyone who sterilizes a man or woman without his consent is punished with imprisonment from three to six years. If the act is committed by a person who is not authorized to perform sterilization, the penalty is increased by one third.

(2) Even if it is based on consent, the act of sterilization is performed by an unauthorized person. committed, he is sentenced to imprisonment from one year to three years.

## CHAPTER SIX

### Offenses Against Sexual Immunity

#### sexual assault

##### **Article 102- (Amended: 18/6/2014-6545/58 art.)**

(1) A person who violates a person's bodily immunity by sexual acts is sentenced to imprisonment from five to ten years, upon the complaint of the victim. In case the sexual behavior remains at the level of molestation, a prison sentence of two to five years is given.

(2) If the act is committed by inserting an organ or other object into the body, a prison sentence of not less than twelve years is imposed. In case this act is committed against the spouse, the investigation and prosecution depends on the complaint of the victim.

(3) Your

crime; a) Against a person who is unable to defend himself in terms of body or spirit,

b) By abuse of influence provided by public office, tutelage or service relationship,

c) Against a person who has a third degree blood or in-law relationship.

or by a step-father, step-mother, half-sister, adopter or adoptee,

d) With a gun or by more than one person,

e) Environments where people have to live together collectively

by taking advantage of the convenience it provides,

In case of committing a crime, the penalties given according to the above paragraphs are increased by half.

(4) Coercion and violence resorted to for sexual assault is a serious offense of intentional injury. In the event that it causes consequences, the provisions regarding the crime of willful injury are also applied.

(5) In case of vegetative state or death of the victim as a result of the crime, aggravated shall be sentenced to life imprisonment.

#### sexual abuse of children

##### **Article 103- (Amended: 18/6/2014-6545/59 art.)<sup>38</sup>**

(1) **(Revised first and second sentence: 24/11/2016-6763/13 art.)** Person who sexually abuses a child is sentenced to imprisonment from eight years to fifteen years.

If sexual abuse remains at the level of harassment, it is sentenced to imprisonment from three to eight years.

**(Additional sentence: 24/11/2016-6763/13 art.)** If the victim has not completed the age of twelve, the penalty to be imposed cannot be less than ten years in case of abuse and five years in case of abuse. In the event that the perpetrator of the crime, which has remained at the level of harassment, is a child, investigation and prosecution depends on the complaint of the victim, parent or guardian. From the phrase sexual abuse;<sup>(38)</sup>

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<sup>38</sup> In terms of the word '...unfinished...' in subparagraph (a) of paragraph (1) of this article, the first and second sentences of paragraph (1) of the Constitutional Court dated 26/5/2016 and E.: 2015/108, K.: It was annulled with the Decision No. 2016/46, and it is stipulated that the Decision will enter into force six months after it was published in the Official Gazette on 13/7/2016.

a) All kinds of sexual behavior against children who have not completed the age of fifteen or who have not yet developed the ability to perceive the legal meaning and consequences of the act,

b) Sexual behavior towards other children based only on coercion, threat, deception or any other reason affecting the will,

understandable.

(2) **(Re-arrangement: 24/11/2016-6763/13 art.)** In case sexual abuse is committed by inserting an organ or other object into the body, a prison sentence of not less than sixteen years is imposed. If the victim has not completed the age of twelve, the penalty to be imposed cannot be less than eighteen years.

(3) Your

crime; a) by more than one person together,

b) Environments where people have to live together collectively by taking advantage of the convenience it provides,

c) Against a person who has a third degree blood or in-law relationship, or by a step-father, step-mother, step-sibling or adopter,

d) By guardians, educators, educators, caregivers, foster families or people who provide health services or have protection, care or supervision obligations,

e) By abusing the influence provided by the public office or service relationship, the penalty to be imposed according to the above paragraphs is increased by half.

(4) In cases where sexual abuse is committed by force or threat against the children in subparagraph (a) of the first paragraph or by using a weapon against the children in subparagraph (b), the penalty to be imposed according to the above subsections is increased by half.

(5) In cases where coercion and violence applied for sexual abuse cause severe consequences of the crime of intentional injury, the provisions regarding the crime of willful injury are also applied.

(6) In case of vegetative state or death of the victim as a result of the crime, aggravated shall be sentenced to life imprisonment.

### **Sex with a minor**

**Article 104-** (1) Sexual intercourse with a child who has completed the age of fifteen, without coercion, threat or deception. The person who has intercourse is punished with imprisonment from two to five years upon complaint.<sup>39</sup>

(2) **(Cancelled: With the decision of the Main District dated 23/11/2005 and numbered E: 2005/103, K: 2005/89; Re-arrangement: 18/6/2014-6545/60 art. )** In the event that it is committed by a person with whom marriage is prohibited, without seeking a complaint, he is sentenced to imprisonment from ten to fifteen years.

(3) **(Annex: 18/6/2014-6545/60 art.) In case** the offense is committed by the person who undertakes the pre-adoption care of the child to be adopted or who has the obligation to protect, care and supervise within the framework of the foster family relationship, without seeking a complaint, according to the second paragraph will be punished.

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<sup>39</sup> With the 60th article of the Law dated 18/6/2014 and numbered 6545, "two out of six months" in this paragraph The phrase was changed to "five from two years".

#### Sexual harassment

**ARTICLE 105-** (1) A person who sexually harasses another person is sentenced to imprisonment from three months to two years or a judicial fine, upon the complaint of the victim, and to imprisonment from six months to three years if the act is committed against a child.<sup>40</sup>

(2) **(Amended: 18/6/2014-6545/61 art.)** The crime;

a) From the convenience provided by public duty or service relationship or family relationship by taking advantage of

b) Guardian, educator, educator, caregiver, foster family or health care provider or protection, by persons who have a duty of care or supervision,

c) By taking advantage of the convenience of working in the same workplace,

d) By making use of the convenience provided by postal or electronic means of communication,

e) By display,

the penalty to be imposed according to the above paragraph is increased by half. The victim due to this act; If he had to quit his job, leave school or his family, the penalty to be imposed cannot be less than one year.

## CHAPTER SEVEN

### Offenses Against Freedom

#### Threatening

**ARTICLE 106-** (1) Any person who threatens another person by mentioning that he will commit an attack on himself or a relative's life, physical or sexual immunity is sentenced to imprisonment from six months to two years. **(Additional sentence: 12/5/2022-7406/6 art.)** If this crime is committed against a woman, the lower limit of the sentence cannot be less than nine months. If he threatens to cause great damage to his assets or to do other harm, he is sentenced to imprisonment of up to six months or a judicial fine upon the complaint of the victim.

(2) the threat;

a) With a weapon,

b) By unsigned letter or special signs, by making the person unrecognizable,

c) by more than one person together,

d) By making use of the frightening power created by existing or presumed criminal organizations, If committed, the perpetrator is sentenced to imprisonment from two to five years.

(3) In case of committing the crime of willful killing, willful injury or damage to property with the aim of threatening, additional punishment is given for these crimes.

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<sup>40</sup> With Article 61 of the Law No. 6545 dated 18/6/2014, the phrase "convicted" in this paragraph has been amended as "a sentence of imprisonment from six months to three years in case the act is committed against a child".

### **Blackmail**

**ARTICLE 107-** (1) A person who compels a person to do or not to do something that is unlawful or not liable, or to gain unfair advantage, on the grounds that he will or will not do something that he is entitled or obliged to, is sentenced to imprisonment from one year to three years and a judicial fine up to five thousand days. punished with a fine.

(2) **(Annex: 29/6/2005 – 5377/14th art.) In the event** that a person threatens to disclose or impute matters that may harm the honor or dignity of a person in order to benefit himself or others, a penalty is imposed according to the first paragraph.

### **Algebra**

**ARTICLE 108-** (1) If force is used against a person to do or not do something or to allow him to do it himself, the penalty to be imposed on the crime of willful injury is increased from one third to half.

### **deprivation of liberty**

**ARTICLE 109-** (1) Unlawfully going to a place or  
The person who deprives him of his liberty to stay is sentenced to imprisonment from one year to five years.

(2) If a person uses force, threat or cheating to commit or commit the act, he is sentenced to imprisonment from two to seven years.

(3) This crime;

a) With a weapon,

b) by more than one person together,

c) Due to the public duty performed by the person,

d) By abusing the influence provided by the public office,

e) Against parent, descendant or spouse or divorced spouse,<sup>41</sup>

f) The child or those who are unable to defend themselves in terms of body or spirit.

against the person

If committed, the penalty to be imposed according to the above paragraphs is increased by one fold.

(4) If this crime causes a significant economic loss to the victim,  
also be sentenced to a judicial fine of up to one thousand days.

(5) Penalties to be imposed according to the above paragraphs in case the crime is committed for sexual purposes is increased by half.

(6) In case of aggravated situations due to the result of the crime of willful injury for the purpose or during the commission of this crime, the provisions regarding the crime of willful injury are also applied.

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<sup>41</sup> With the 9th article of the Law No. 7331 dated 8/7/2021, the phrase "or the spouse with whom he is divorced" has been added to come after the phrase "spouse".



### **Active regret**

**ARTICLE 110-** (1) If the person who committed the crime defined in the above article releases the victim in a safe place without harming the victim's person before the investigation is started, the sentence is reduced by up to two thirds.

### **Implementation of security measures against legal entities**

**ARTICLE 111-** (1) Security measures specific to these legal entities shall be imposed on legal entities for whose benefit an unfair advantage is gained as a result of the commission of threats, blackmail, coercion or deprivation of liberty.

### **Denial of the right to education and training<sup>42</sup>**

#### **Article 112- (Amended: 2/3/2014-6529/12 art.)**

(1) By using force or threat or any other unlawful act;

a) All kinds of education and training activities established by the state or carried out based on the permission given by public authorities,

b) The person's use of his right to education and training,

c) Entrance to the buildings where students live collectively or their annexes.

or stay there,

in case of obstruction, the perpetrator is sentenced to imprisonment from two to five years.

### **Denial of the right to benefit from public services<sup>43</sup>**

#### **Article 113- (Amended: 2/3/2014-6529/13 art.)**

(1) By using force or threat or any other unlawful act;

a) To carry out a public activity,

b) Issued in public institutions or professional organizations in the nature of public institutions or to benefit from the services provided based on the permission given by the public authorities,

in case of obstruction, the perpetrator is sentenced to imprisonment from two to five years.

(2) **(Annex: 12/5/2022-7406/7 art.)** In case the subject of the crime is health care, The penalty to be imposed is increased up to one sixth.

### **Preventing the exercise of political rights**

#### **Article 114-** (1) Against a person;

a) Being or not a member of a political party, participating in or not participating in the activities of a political party, being dismissed from a political party or its position in the management of a political party. to leave,

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<sup>42</sup> While the title of this article was "Prevention of education and training", it was changed as it was written in the text with Article 12 of the Law No. 6529 dated 2/3/2014.

<sup>43</sup> While the title of this article was "Prevention of the activities of public institutions or professional organizations in the nature of public institution", it has been changed as it is included in the text with Article 13 of the Law No. 6529 dated 2/3/2014.

b) Not to be a candidate for a public office obtained through elections or to resign from the office for which he was elected,

A person who uses force or threats with the aim of coercion is sentenced to imprisonment from one to three years. punished with a fine.

(2) In cases where the activities of a political party are hindered by use of force or threat or by any other unlawful act, a sentence of imprisonment from two to five years is imposed.

#### **Preventing the use of freedom of belief, thought and opinion**

**ARTICLE 115-** (1) Any person who forces a person to reveal or change his religious, political, social, philosophical beliefs, thoughts and convictions, or prevents them from expressing or disseminating them, by using force or threat, is sentenced to imprisonment from one year to three years.

(2) **(Amended: 2/3/2014-6529/art. 14)** In case the fulfillment of religious belief or performing religious worship or rites individually or collectively is prevented by using force or threat or by any other unlawful act, the perpetrator shall be punished according to the first paragraph.

(3) **(Annex: 2/3/2014-6529/14 art.) Paragraph** one for a person who interferes with a person's lifestyle choices stemming from his beliefs, thoughts or convictions or forces them to change, by using force or threat or by any other unlawful act. penalty is imposed.

#### **Violation of the immunity of residence**

**ARTICLE 116-** (1) A person who enters a person's residence or its annexes against his will or does not leave it after entering with his consent, is sentenced to imprisonment from six months to two years, upon the complaint of the victim.

(2) **(Amended: 31/3/2005 – 5328/8 art.)** In case the acts within the scope of the first paragraph are committed about the workplaces and their annexes outside the places where it is customary to be entered without the need for an explicit consent, upon the complaint of the victim, from six months to one year. shall be sentenced to imprisonment or a judicial fine.

(3) **(Amendment: 31/3/2005 – 5328/8 art.)** In case of joint use of the house or workplace by more than one person in the marriage union, the provisions of the above paragraphs shall not apply if one of these persons consents. However, for this, the declaration of consent must be for a legitimate purpose.

(4) If the act is committed by using force or threat, or at night, a penalty of imprisonment from one year to three years is imposed.

#### **Violation of freedom of work and work**

**ARTICLE 117-** (1) A person who violates the freedom of work and employment by using force or threat or by any other unlawful act is sentenced to imprisonment from six months to two years or a judicial fine, upon the complaint of the victim.

(2) A person who, by exploiting his helplessness, desolation and loyalty, employs the person or persons for free or for a clearly disproportionately low wage with the service provided, or who subjects the person in this situation to working and accommodation conditions incompatible with human dignity, shall be imprisoned from six months to three years. or a judicial fine not less than one hundred days.

(3) To supply or disqualify a person in order to put him in the situations specified in the above paragraph. The same punishment is given to the person who transports or transfers from one place to another.

(4) A person who, by using force or threat, forces the worker or employer to reduce or increase wages or accept agreements under conditions other than those previously accepted, or causes a job to be stopped, terminated or continued, is sentenced to imprisonment from six months to three years.

### **Preventing the use of trade union rights**

**ARTICLE 118-** (1) Any person who uses force or threat against a person to force him to become a member or not to join a union, to join or not participate in the activities of the union, to leave the union or his position in the union management, is sentenced to imprisonment from six months to two years.

(2) If the activities of a trade union are hindered by use of force or threat or by any other unlawful act, a sentence of imprisonment from one year to three years is imposed.

### **common provision**

**ARTICLE 119-** (1) Preventing education and training, preventing the activities of public institutions or professional organizations in the nature of public institution, preventing the use of political rights, preventing the use of freedom of belief, thought and opinion, housing crimes of violation of immunity and violation of freedom of work and work;

a) With a weapon,

b) By unsigned letter or special signs, by making the person unrecognizable,

c) by more than one person together,

d) By making use of the frightening power created by existing or presumed criminal organizations,

e) By abusing the influence provided by the public office,

If committed, the penalty will be increased by one fold.

(2) In case of aggravated situations due to the result of the crime of willful injury during the commission of these crimes, the provisions regarding the crime of willful injury are also applied.

#### **unfair call**

**ARTICLE 120-** (1) Public authorities who unlawfully search a person or his belongings officer is sentenced to imprisonment from three months to one year.

#### **Preventing the use of the right to petition**

**ARTICLE 121-** (1) If the petition submitted by the person to the competent public authorities to exercise a certain right is not accepted without a legal reason, the perpetrator is sentenced to imprisonment for up to six months.

#### **Hate and discrimination<sup>44</sup>**

##### **Article 122- (Amended: 2/3/2014-6529/15 art.)**

(1) Language, race, nationality, color, gender, disability, political opinion, philosophical belief, religion or because of hatred stemming from sectarian differences;

- a) Selling, transferring or renting a movable or immovable property offered to a person to the public,
- b) Benefiting from a certain service offered to the public by a person,
- c) Recruitment of a person,
- d) A person is engaged in an ordinary economic activity,

The person who prevents it is punished with imprisonment from one year to three years.

#### **Do not disturb people's peace and tranquility**

**ARTICLE 123-** (1) Insisting on a person just for the purpose of disturbing his peace and tranquility; In case of making phone calls, making noise or doing any other unlawful act for the same purpose, the perpetrator is sentenced to imprisonment from three months to one year upon the complaint of the victim.

#### **persistent pursuit**

##### **ARTICLE 123/A- (Annex: 12/5/2022-7406/8 art.)**

(1) persistently; The perpetrator, who causes a serious unease on a person or worries about the safety of himself or one of his relatives, by following him physically or trying to contact by using communication and communication tools, information systems or third parties, is sentenced to imprisonment from six months to two years.

(2) Your crime;

- a) It is committed against the child or the spouse from whom a separation decision has been made or divorced,
- b) Causing the victim to change school, workplace, residence or quit school or work,

c) It is committed by the perpetrator, for whom a restraining order or a measure of not approaching the residence, school or workplace has been decided,

in which case, the perpetrator is sentenced to imprisonment from one year to three years.

(3) The investigation and prosecution of the crime regulated in this article depends on the complaint.

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<sup>44</sup> While the title of this article was "Discrimination", it has been changed as it is in the text with Article 15 of the Law No. 6529 dated 2/3/2014.

### **Blocking communication**

**Article 124-** (1) Unlawful prevention of communication between individuals in case of imprisonment of six months to two years or a judicial fine.

(2) Any person who unlawfully obstructs communication between public institutions is punished with imprisonment from one year to five years.

(3) Unlawful blocking of the broadcasting of all kinds of press and broadcasting organs

In the event of an accident, the penalty shall be imposed according to the provision of the second paragraph.

## **CHAPTER EIGHT**

### **Offenses Against Honor**

#### **Insult**

**ARTICLE 125-** (1) A person who attributes a concrete act or fact to a person that may offend his honor, honor and dignity (...) <sup>45</sup> or who attacks the honor, honor and dignity of a person by cursing, is sentenced to imprisonment from three months to two years or judicial punishable by a fine.

In order for the insult to be punished in the absence of the victim, the act must be committed with at least three people.

(2) If the act is committed with an audio, written or visual message addressed to the victim, the penalty specified in the above paragraph is imposed.

(3) The offense of insult;

a) Due to his duty to a public official,

b) Due to the fact that he explains, changes, tries to spread his religious, political, social, philosophical beliefs, thoughts and convictions, and acts in accordance with the orders and prohibitions of the religion to which he belongs,

c) Talking about the values considered sacred according to the religion of the person,

If committed, the lower limit of the penalty cannot be less than one year.

(4) **(Amended: 29/6/2005 – 5377/15 art.)** In case the insult is committed publicly, he is under penalty . is increased by one.

(5) **(Amendment: 29/6/2005 – 5377/15 art.)** In case of insulting public officials working as a council due to their duties, the offense is deemed to have been committed against the members forming the board. However, in this case, the provisions of the article pertaining to the chain crime are applied.

#### **Identification of the victim**

**ARTICLE 126-** (1) Even if the name of the victim is not clearly mentioned or the accusation is implicitly covered in the commission of the offense of insult, if there is a situation that cannot be hesitated in its nature and when it is directed against the victim's person, both his name is stated and the insult is declared.

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<sup>45</sup> In the meantime, the phrase "or making ascriptions", dated 29/6/2005 and numbered 5377 With the 15th article of the law, the article was removed from the text.

#### **Proof of imputation**

**ARTICLE 127-** (1) If the alleged and criminal act has been proven, the person is not punished. In the event that a final judgment of conviction is given to the person who was insulted due to this crime, the accusation is deemed to have been proven. In other cases, the acceptance of the demand to prove the charge depends only on the public interest in understanding whether the alleged act is true or the complainant's consent to the proof.

(2) If the person is insulted by mentioning his proven act, a penalty is imposed.

#### **Immunity from claim and defense**

**ARTICLE 128-** (1) No penalty shall be imposed if concrete accusations or negative evaluations are made regarding individuals within the scope of written or oral applications, claims and defenses made before judicial authorities or administrative authorities. However, for this, the attributions and evaluations must be based on real and concrete facts and must be related to the conflict.

#### **Due to tort or mutual insult**

**ARTICLE 129-** (1) In case the offense of insult is committed as a reaction to a wrongful act, The penalty to be imposed can be reduced by up to one third, or the penalty can be waived.

(2) If this crime is committed as a reaction to the intentional injury crime, the person is not punished.

(3) In the event that the offense of insult is committed mutually, the penalty to be imposed on both or one of the parties may be reduced by up to one third, depending on the nature of the event, or it may be waived.

#### **Insulting one's memory**

**ARTICLE 130-** (1) Any person who insults the memory of a person after his death by quarreling with at least three people is sentenced to imprisonment from three months to two years or a judicial fine. The penalty is increased by one sixth if the insult is committed publicly.

(2) A person who partially or completely takes the corpse or bones of a dead person or commits insulting acts about the corpse or bones is sentenced to imprisonment from three months to two years.

#### **Condition of investigation and prosecution**

**ARTICLE 131-** (1) Except for those committed due to his duty to a public official; The investigation and prosecution of defamation depends on the complaint of the victim.

(2) If the victim dies before filing a complaint, or if the crime was committed against the memory of the deceased person; A complaint can be made by the deceased's parent, descendant, spouse or siblings up to the second degree.

## CHAPTER NINE

### Offenses Against Private Life and Confidential Area of Life

#### Violation of the confidentiality of communications<sup>46</sup>

**ARTICLE 132-** (1) Any person who violates the confidentiality of communication between persons is punished with imprisonment from one year to three years. If this privacy violation occurs by recording the contents of the communication, the penalty to be imposed is increased by one fold.<sup>(46)</sup>

(2) The person who unlawfully discloses the contents of communication between persons, shall be punished with imprisonment from one year to five years.<sup>(46)</sup>

(3) Any person who illegally discloses the contents of communications made with him without the consent of the other party, is punished with imprisonment from one year to three years. **(Additional sentence: 2/7/2012-6352/79 art.)** The same penalty will be imposed if these disclosed data are published through the press and broadcast. <sup>(46)</sup>

(4) **(Repealed: 2/7/2012-6352/79 art.)**

#### Listening and recording conversations between people<sup>47</sup>

**ARTICLE 133-** (1) A person who listens to non-public conversations between persons with an instrument or records them with a sound-receiving device without the consent of any of the parties, is sentenced to imprisonment from two years to five years.<sup>(47)</sup>

(2) Audio recording of a non-public conversation without the consent of the other speakers. The person who records with his device is punished with imprisonment from six months to two years or a judicial fine.<sup>(47)</sup>

(3) **(Amended: 2/7/2012-6352/art. 80)** A person who unlawfully discloses the data obtained by recording non-public conversations between individuals is punished with imprisonment from two years to five years and a judicial fine up to four thousand days. . If these disclosed data are published through the press and broadcast, the same penalty will be imposed.

#### Violation of privacy<sup>48</sup>

**ARTICLE 134-** (1) Anyone who violates the privacy of individuals' private life is punished with imprisonment from one year to three years. In case of violation of confidentiality by recording images or sounds, the penalty to be imposed is increased by one fold.<sup>(48)</sup>

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<sup>46</sup> With Article 79 of Law No. 6352 dated 2/7/2012, the phrase "imprisonment from six months to two years or judicial fine" in the first paragraph of this article is sentenced to "imprisonment from one year to three years" and "imprisonment from one year to three years". " is the phrase "the penalty to be imposed will be increased by one fold"; the phrase "imprisonment from one year to three years" in the second paragraph is "imprisonment from two to five years"; The phrase "imprisonment from six months to two years or judicial fine" in the third paragraph has been changed to "imprisonment from one year to three years", and the phrase "unlawfully" has been added to the paragraph after the phrase "without consent".

<sup>47</sup> With Article 80 of the Law No. 6352 dated 2/7/2012, the phrase "imprisonment from two months to six months" in the first paragraph of this article is replaced by "imprisonment from two to five years"; The phrase "imprisonment up to six months" in the second paragraph has been changed to "imprisonment from six months to two years".

<sup>48</sup> With Article 81 of the Law No. 6352 dated 2/7/2012, the phrase "imprisonment from six months to two years or judicial fine" in the first paragraph of this article is "imprisonment from one year to three years" and "the lower limit of the penalty cannot be less than one year". The phrase has been changed as "the penalty to be imposed will be increased by one fold".

(2) **(Amended: 2/7/2012-6352/Art. 81)** Anyone who unlawfully discloses the images or sounds related to the private life of individuals is sentenced to imprisonment from two years to five years. If these disclosed data are published through the press and broadcast, the same penalty will be imposed.

### **Saving personal data**

**ARTICLE 135-** (1) Anyone who unlawfully records personal data is sentenced to imprisonment from one year to three years.<sup>49</sup>

(2) Personal data, political, philosophical or religious views, racial origins of the person; The penalty to be imposed in accordance with the first paragraph is increased by half if it unlawfully relates to their moral tendencies, sexual life, health status or union affiliations.<sup>50</sup>

### **Unlawfully giving or obtaining data**

**ARTICLE 136-** (1) Any person who unlawfully gives, disseminates or seizes personal data is punished with imprisonment from two to four years.<sup>51</sup>

(2) **(Annex: 17/10/2019-7188/17 art.)** In case the subject of the offense is the statements and images recorded in accordance with the fifth and sixth paragraphs of Article 236 of the Criminal Procedure Code, the penalty to be imposed is increased by one fold.

### **Qualified cases**

**Article 137-** (1) The offenses defined in the above articles;

- a) By a public official and by misuse of his/her duty,
  - b) By taking advantage of the convenience provided by a certain profession and art,
- If committed, the penalty to be imposed is increased by half.

### **Do not destroy data**

**ARTICLE 138-** (1) Those who are obliged to destroy the data within the system despite the expiry of the periods determined by the laws are sentenced to imprisonment from one year to two years if they do not fulfill their duties.<sup>52</sup>

(2) **(Annex: 21/2/2014-6526/5 art.)** In case the subject of the crime is data that needs to be eliminated or destroyed in accordance with the provisions of the Code of Criminal Procedure, the penalty to be imposed is increased by one fold.

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<sup>49</sup> With the 3rd article of the Law No. 6526 dated 21/2/2014, the "six months" in this paragraph The wording has been changed to "one year".

<sup>50</sup> With Article 30 of the Law No. 6698 dated 24/3/2016, the phrase "Persons" in this paragraph is changed to "Personal data, persons"; The phrase "the person who records the information as personal data will be punished according to the provisions of the above paragraph" has been amended as "the penalty to be imposed in accordance with the first paragraph is increased by half".

<sup>51</sup> With Article 4 of the Law No. 6526 dated 21/2/2014, the phrase "one year" in this paragraph has been changed to "two years".

<sup>52</sup> With Article 5 of the Law No. 6526 dated 21/2/2014, the phrase "imprisonment from six months to one year" in this paragraph has been changed to "imprisonment from one year to two years".



### **Complaint**

**ARTICLE 139-** (1) Except for recording personal data, illegally giving or seizing the data and not destroying the data, investigation and prosecution of the crimes included in this section depends on the complaint.

### **Implementation of security measures against legal entities**

**ARTICLE 140-** (1) Due to the commission of the crimes defined in the above articles security measures specific to them shall be imposed on legal persons.

## **CHAPTER TEN**

### **Offenses Against Assets**

#### **Theft**

**ARTICLE 141-** (1) A person who takes a movable property belonging to another person without the consent of the possessor, in order to gain benefit for himself or another, is sentenced to imprisonment from one year to three years.

(2) **(Repealed: 2/7/2012-6352/105 art.)**

#### **Skilled theft<sup>53</sup>**

**Article 142-** (1) The crime of theft;

a) About the goods found in public institutions and organizations or places reserved for worship, or allocated for public benefit or service, regardless of who they belong to,

b) **(Repealed: 18/6/2014-6545/62 art.)**

c) In the means of transportation made available to the public, or in certain destinations or about the goods found at the place of departure,

d) Regarding the goods prepared with the aim of preventing or mitigating the damages that may be caused by a disaster or a general disaster,

e) Regarding the goods left exposed due to their quantity or allocation or use,

f) **(Repealed: 2/7/2012-6352/82 art.)**

In case of committing it, it is sentenced to imprisonment from three to seven years. (53)

(2) Your crime;

a) Taking advantage of the person's inability to protect his property or his death,

b) By picking up the hand or overhead goods or with special skill,

c) Taking advantage of the fear or turmoil caused by a natural disaster or social events,

d) By unlocking or preventing it from being locked with an improperly held or counterfeit key or other tool,(53)

e) By using information systems,

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<sup>53</sup> With Article 62 of the Law No. 6545 dated 18/6/2014, the phrase "five years out of two" in the first paragraph of this article has been changed as "seven out of three years", The phrase "to prevent" was added, the phrase "in shelters, in herds or in open places" in sub-paragraph (g) was removed from the text of the article, and the phrase "seven out of three years" in the same paragraph was changed into "ten from five years".

f) By taking measures to avoid being recognized or by taking on an official title even though he is not authorized,

g) (...) (53) about cattle, (53)

h) **(Annex: 18/6/2014-6545/62 art.) Regarding** the goods that are kept in a place where everyone can enter, but locked or kept in the building or its annexes,

In case of committing it, it is sentenced to imprisonment from five to ten years. If the offense is committed against a person who is unable to defend himself in terms of body or spirit, as specified in subparagraph (b) of this paragraph, the penalty to be imposed is increased by one third.<sup>54</sup>

(3) If the offense is committed in the facilities of liquid or gaseous energy and their transportation, processing or storage, a prison sentence of five to twelve years is imposed. If this act is committed within the framework of the activities of an organization, the penalty is increased by half and a judicial fine of up to ten thousand days is imposed.<sup>55</sup>

(4) **(Annex: 6/12/2006 – 5560/6 art.) In case of committing** the crime of violating the inviolability of the residence or damaging the property for the purpose of committing the crime of theft, no complaint is required for investigation and prosecution for these crimes.

(5) **(Annex: 18/6/2014-6545/62 art.) In case of temporary disruption of public service in the field of communication, energy, railway or air transportation as a result of committing the crime of theft, the penalty to be imposed in accordance with the provisions of the above paragraphs is from half to double. is increased.**

### **The crime is committed at night**

**ARTICLE 143-** (1) If the crime of theft is committed at night, the penalty to be imposed is half. is increased by 56

### **Cases requiring less punishment**

**Article 144-** (1) The crime of theft;

a) On the property owned by a stakeholder or jointly,

b) For the purpose of collecting a receivable based on a legal relationship,

If committed, the perpetrator is sentenced to imprisonment from two months to one year or a judicial fine upon complaint.

### **Low value of the property**

**ARTICLE 145-** (1) **(Amended: 29/6/2005 – 5377/art. 16)** Due to the low value of the property that is the subject of the theft crime, the penalty to be imposed can be reduced, or it can be waived by taking into account the way and characteristics of the crime. .

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<sup>54</sup> With the 62nd article of the Law No. 6545 dated 18/6/2014, the "seven out of three years" in this paragraph The phrase was changed to "ten from five years".

<sup>55</sup> With Article 82 of the Law No. 6352 dated 2/7/2012, the phrase "to punishment according to the second paragraph" in this paragraph is "five years to twelve years in prison" and the phrase "imprisonment up to fifteen years" is increased by half. has been changed.

<sup>56</sup> With Article 63 of the Law No. 6545 dated 18/6/2014, the phrase "up to one third" in this paragraph has been changed to "half the rate".

### **Usage theft**

**ARTICLE 146-** (1) If the crime of theft is committed with the purpose of using the property for a temporary period and returning it to its possession, the penalty to be imposed is reduced by half, upon complaint. However, this provision does not apply if the property has been used to commit a crime.

### **State of obligation**

**ARTICLE 147-** (1) If the crime of theft is committed to meet a serious and urgent need, depending on the nature of the incident, the penalty to be imposed can be reduced or the penalty can be waived.

### **Spoil**

**ARTICLE 148-** (1) A person who compels another person not to resist the delivery or receipt of a good by threatening or using force, with the mention that he or a relative will commit an attack on his life, physical or sexual immunity, or cause great damage to his assets. with a prison sentence of up to ten years punished.

(2) By using force or threat, the victim should not give a document explaining the invalidity of a bill or an existing bill that may put himself or someone else in debt, not to resist the receipt of such a bill, to sign a paper that can be turned into such a bill in the future, or to use an existing bill. The same penalty shall be imposed if it is compelled to destroy or not to oppose its destruction.

(3) The victim becomes unaware and unable to defend himself by any means.  
It is also considered coercion in the crime of plunder.

### **Skilled loot**

**Article 149-** (1) The crime of plunder;

a) With a weapon,

b) By making the person unrecognizable,

c) by more than one person together,

d) **(Amended: 18/6/2014-6545/64 art.)** By blocking roads or in residences, workplaces or their annexes,

e) Against a person who is unable to defend himself in terms of body or spirit,

f) By making use of the frightening power created by existing or presumed criminal organizations,

g) In order to benefit the criminal organization,

h) at night time,

If committed, the perpetrator is sentenced to imprisonment from ten to fifteen years.

(2) In case of aggravated situations due to the result of the crime of willful injury during the committing of the crime of plunder, the provisions regarding the crime of willful injury are also applied.

### **Case with less punishment**

**ARTICLE 150-** (1) In the event that a person uses threat or force to collect a receivable based on a legal relationship, only the provisions regarding the crime of threat or intentional injury shall apply.

(2) Due to the low value of the property that is the subject of the crime of looting, the penalty can be reduced from one third to one half.<sup>57</sup>

### **Damage to property**

**ARTICLE 151-** (1) Any person who destroys, destroys, destroys, corrupts, renders unusable or pollutes the movable or immovable property of another person partially or completely, is sentenced to imprisonment from four months to three years or a judicial fine, upon the complaint of the victim.

(2) **(Repealed: 9/7/2021-7332/17 art.)**

### **Qualified cases of damaging property<sup>58</sup>**

**Article 152-** (1) The crime of damaging the property;

a) Belonging to public institutions and organizations, allocated to public service or about the place, building, facility or other property reserved for his use,

b) Dedicated to protection against fire, flood, accident and other disasters about any item or facility,

c) About all kinds of planted trees, saplings or vines wherever they are, except for places with state forest status,

d) About facilities for irrigation, supply of drinking water or protection from disasters,

e) Regarding buildings, facilities or goods owned or in use by employers or workers or employers or workers' unions or confederations in case of strike or lockout,

f) Political parties, professional organizations in the nature of public institutions and higher About the building, facility or property owned or in use by the institutions,

g) Even if it has ended, to the detriment of a public official in order to avenge his duty,

If committed, the perpetrator is sentenced to imprisonment from one year to four years.<sup>(58)</sup>

(2) The crime of damaging the property;

a) By burning, using incendiary or explosive materials,

b) By causing landslides, avalanches, floods or overflows,

c) By exposing it to radiation, using nuclear, biological or chemical weapons,

If committed, the penalty to be imposed is increased up to one fold.<sup>(58)</sup>

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<sup>57</sup> The phrase "downloadable" in this paragraph has been changed as "downloadable" with Article 17 of the Law No. 5377 dated 29/6/2005 and included in the text.

<sup>58</sup> With the 65th article of the Law No. 6545 dated 18/6/2014, the first paragraph of this article

The phrase "six" in the field has been changed to "four", and the phrase "two" in the second paragraph has been changed to "one".

(3) **(Annex: 18/6/2014-6545/65 art.)** In case of temporary disruption of public service in the field of communication, energy, rail or air transportation as a result of committing the crime of damaging property, the penalty to be imposed in accordance with the provisions of the above paragraphs is two half. is increased up to twice.

#### **Damage to places of worship and cemeteries**

**ARTICLE 153-** (1) Any person who damages places of worship, their annexes, the furniture therein, the graves, the structures on them, the facilities in the cemeteries, the structures built for the protection of the cemeteries by destroying, destroying or breaking them is punished with imprisonment from one year to four years.

(2) The person who pollutes the places and structures specified in the first paragraph, for a period of three months to one year. punishable by imprisonment or a fine.

(3) The acts in the first and second paragraphs are related to the society adopting the relevant religious belief. In the event that the culprit is committed with the aim of insulting, the penalty to be imposed is increased by one third.

#### **rape in the wrong place**

**ARTICLE 154-** (1) **(Amendment: 25/2/2009-5841/1 art.)** Occupying immovable property or annexes belonging to someone else as if they were the owner without any right, or changing or spoiling its borders, or allowing the right holder to benefit from them, even partially. The person who hinders him is sentenced to imprisonment from six months to three years and a judicial fine up to a thousand days upon the complaint of the person who has been harmed by the crime.

(2) The penalties stated in the first paragraph shall be imposed on anyone who partially or completely seizes, disposes of, or cultivates immovable properties such as pastures, threshing floors, roads and wetlands knowing that they belong to the village legal entity or have been left for the common use of the villagers for a long time.

(3) Penalties written in the first paragraph are applied to anyone who changes the channel of public or private waters.

#### **abuse of trust**

**ARTICLE 155-** (1) A person who dispossesses for the benefit of himself or someone else on property belonging to someone else but whose possession has been transferred to him for preservation or use in a certain way, other than for the purpose of transferring possession, or who denies this transfer, shall, upon complaint, shall be punished with imprisonment from one month to two years and a judicial fine.<sup>59</sup>

(2) If the offense is committed against the goods deposited and delivered as a requirement of the profession, art, trade or service relationship or the authority to manage someone else's property, regardless of the reason, it is punished with imprisonment from one year to seven years and a judicial fine up to three thousand days. judged.

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<sup>59</sup> Following the phrase "belongs to someone else" in this paragraph, the phrase "to keep or" has been added and included in the text with Article 18 of the Law No. 5377 dated 29/6/2005.

### Using a bonus note

**ARTICLE 156-** (1) Any person who uses an unpaid bill, upon complaint, is sentenced to imprisonment from six months to two years and a judicial fine.

### Fraud

**ARTICLE 157-** (1) A person who deceives a person with fraudulent acts and provides a benefit to himself or someone else, to the detriment of him or someone else, is sentenced to imprisonment from one year to five years and a judicial fine up to five thousand days.

### Qualified embezzlement

**Article 158-** (1) The crime of fraud;

- a) By exploiting religious beliefs and feelings,
- b) By taking advantage of the dangerous situation or difficult conditions the person is in,
- c) By taking advantage of the weakness of the person's perception ability,
- d) By using public institutions and organizations, public professional organizations, political parties, foundations or associations as tools,
- e) To the detriment of public institutions and organizations,
- f) By using information systems, banks or credit institutions as tools,
- g) By taking advantage of the convenience provided by the press and broadcasting tools,
- h) Persons who are merchants or company managers or acting on behalf of the company during its activities; within the scope of the cooperative's activities,
- i) By self-employed persons, through abuse of confidence in them due to their profession,
- j) In order to ensure the opening of a loan that should not be allocated by the bank or other credit institutions,
- k) In order to receive the insurance cost,
- l) **(Annex: 24/11/2016-6763/14 art.)** By introducing himself as a public official or employee of banks, insurance or credit institutions or by saying that he is related to these institutions and organizations,

If committed, it is punished with imprisonment from three years to ten years and a judicial fine up to five thousand days. **(Additional sentence: 29/6/2005 – 5377/19 art.; Amended: 3/4/2013-6456/40 art.)** However, (e), (f), (j), (k) and (l) ) the lower limit of the prison sentence cannot be less than four years, and the amount of the judicial fine cannot be less than twice the benefit obtained from the crime.<sup>60</sup>

(2) A person who gains benefit from someone else by deceiving him with the promise that he has a relationship with public officials and is respected by them, and promising that he will do a certain job, is punished in accordance with the provisions of the above paragraph.

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<sup>60</sup> With the 14th article of the Law No. 6763 dated 24/11/2016, the phrase "two years to seven years" is changed to "from three years to ten years", the phrase "(j) and (k)" to "(j), (k) ) and (l)" and the phrase "three years" has been changed to "four years".

(3) **(Additional paragraph: 24/11/2016-6763/14 art.)** In case the offenses specified in this article and in article 157 are committed by three or more people together, the penalty to be imposed is half rate; If it is committed within the framework of the activity of an organization established to commit a crime, the penalty to be imposed is increased by one fold.

#### **Case with less punishment**

**ARTICLE 159-** (1) If fraud is committed for the purpose of collecting a receivable based on a legal relationship, a penalty of imprisonment from six months to one year or a judicial fine is imposed upon complaint.

#### **Savings on lost or mistaken possessions**

**ARTICLE 160-** (1) Any person, like the owner, who disposes of the property, which is out of the possession of the owner or seized as a result of mistake due to loss, without returning it or notifying the competent authorities, is sentenced to imprisonment of up to one year or a judicial fine, upon complaint. .

#### **Fraudulent bankruptcy**

**ARTICLE 161-** (1) A person who makes fraudulent dispositions to reduce his assets, in case bankruptcy is decided before or after these fraudulent dispositions, is sentenced to imprisonment from three years to eight years. For the existence of fraudulent bankruptcy;

- a) The smuggling of the goods that are the guarantee of the creditors' receivables, concealing or causing a decrease in its value,
  - b) Concealing or destroying commercial books, records or documents in order to prevent the emergence of their savings to smuggle their assets,
  - c) Issuing documents in a way that will cause the debts to increase, as if there is such a relationship, although there is no receivable and debt relationship in reality,
  - d) Understatement of the asset with false accounting records or the preparation of a false balance sheet,
- must.

#### **negligent bankruptcy**

**ARTICLE 162-** (1) A person who causes bankruptcy due to not showing the attention and care required by being a merchant is sentenced to imprisonment from two months to one year, in case bankruptcy is decided.

#### **Free use**

**ARTICLE 163-** (1) A person who makes use of a service offered through vending machines and which can be used if the price is paid, without paying, is sentenced to imprisonment from two months to six months or a judicial fine.

(2) A person who makes use of telephone lines and frequencies or encrypted or unencrypted broadcasts made by electromagnetic waves without the consent of the owner or the possessor, is punished with imprisonment from six months to two years or a judicial fine.

(3) **(Annex: 2/7/2012-6352/83 art.)** If the electricity, water or natural gas that can be used on subscription basis is consumed without the consent of the owner and in a way that prevents the determination of the consumption amount, the person is sentenced to imprisonment from one year to three years. .

#### **False information about the company or cooperatives**

**ARTICLE 164-** (1) The founder, partner, manager, manager or representatives of a company or cooperative, or members of the board of directors or auditors, or those who have the title of liquidator, in the statements they make to the public, or in the reports or suggestions they submit to the general assembly, are subject to material facts that may cause harm to those concerned. If they give or have information given, they are punished with imprisonment from six months to three years or a judicial fine up to a thousand days.

#### **Purchase or acceptance of criminal goods**

##### **Article 165 - (Amended: 26/6/2009 – 5918/3 art.)**

(1) A person who sells, transfers, buys or accepts the goods or other property value obtained by committing a crime, without participating in the commission of this crime, is sentenced to imprisonment from six months to three years and a judicial fine up to ten thousand days.

#### **Not giving information**

**ARTICLE 166-** (1) A person who fails to notify the authorities of the crime without delay, even though he learns that the property he has acquired based on a legal relationship is actually obtained by committing a crime or committing a crime, is sentenced to imprisonment of up to six months or a judicial fine.

#### **Personal reason for impunity or personal reason for a reduction in sentence**

**ARTICLE 167-** (1) Except for plunder and qualified plunder, the crimes in this section;

- a) One of the spouses for whom a separation decision has not been made,
- b) The parent or descendant, or one of his in-laws to this degree, or a child adoptive or adopted,

- c) One of the siblings living together in the same residence,

If it is committed to your detriment, no penalty will be imposed on the related relative.

(2) If these offenses are committed to the detriment of one of the spouses for whom a separation decision has been made, one of the siblings who do not live together in the same residence, uncles, aunts, nephews or second degree relatives living together in the same residence; The penalty to be imposed on the related relative upon complaint is reduced by half.



### **Active regret**

#### **Article 168 – (Amended: 29/6/2005 – 5377/20 art.)**

(1) After the crimes of theft, damage to property, breach of trust, fraud, fraudulent bankruptcy, negligent bankruptcy (...)61 are completed and therefore before the prosecution begins, the perpetrator, instigator or aider will personally repent and restore the damage suffered by the victim. In case of reparation completely by giving or indemnification, up to two thirds of the penalty to be imposed is reduced.(61)

(2) Effective remorse after prosecution has begun but before judgment is rendered  
If it is shown, up to half of the penalty to be imposed will be reduced.

(3) The penalty to be given to the person who shows effective remorse for the crime of plunder,  
It is reduced to half in cases included in the second paragraph, and up to one third in cases included in the second paragraph.

(4) In order for the provisions of effective repentance to be applied in case of partial restitution or compensation, the consent of the victim is also sought.

(5) **(Annex: 2/7/2012 – 6352/84 art.)** In case the perpetrator, instigator or helper shows remorse and fully compensates the damage suffered by the victim, public or private law legal entity before the investigation is completed, in the case of unrequited exploitation, public action will be taken. does not open; If the damage is fully compensated until the judgment is rendered, the penalty to be imposed is reduced to one third. However, a person cannot benefit from the provision of this paragraph more than twice.

### **Implementation of security measures against legal entities**

**ARTICLE 169-** (1) Security measures specific to these legal entities shall be imposed on legal entities whose benefits are provided unfairly by committing crimes of theft, abuse of trust and fraud.

## **PART THREE**

### **crimes against society**

#### **FIRST PART**

##### **General Dangerous Offenses**

##### **Intentional endangerment of public safety**

**ARTICLE 170-** (1) In such a way as to be dangerous for the life, health or property of persons or in a manner that may cause fear, anxiety or panic in persons;

- a) Causes a fire,
- b) Causes building collapse, landslide, avalanche, flood or overflow,
- c) Shooting with a gun or using explosives,

person is punished with imprisonment from six months to three years.

(2) Risk of fire, building collapse, landslide, avalanche, flood or overflow.

the person who causes it is punished with imprisonment from three months to one year or a judicial fine.

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<sup>61</sup> In accordance with Article 84 of the Law dated 2/7/2012 and numbered 6352, the phrase "and unrequited benefit" in this paragraph has been removed from the text of the article.

### **Endangerment of general security by negligence**

**Article 171-** (1) By negligence;

- a) Fire,
- b) Building collapse, landslide, avalanche, flood or overflow,

The offender is punished with imprisonment from three months to one year if the act is dangerous for the life, health or property of others.

### **Radiation emission**

**ARTICLE 172-** (1) A person who exposes another person to radiation with the aim of deteriorating his health and in a way that is suitable for realizing this purpose, is sentenced to imprisonment from three years to fifteen years.

(2) If the act in the first paragraph is committed against an indefinite number of persons, shall be sentenced to imprisonment of not less than one year.

(3) Any person who emits radiation in such a way as to cause significant harm to the life, health or property of another person or who influences the process of disintegration of atomic nuclei is sentenced to imprisonment from two years to five years.

(4) The person who causes the radiation emission or the disintegration of atomic nuclei, in violation of the due care and attention obligation during the operation of a laboratory or facility, shall be imprisoned from six months to three years, if the act is suitable to cause significant harm to the life, health or property of another person. punished with a fine.

### **Cause an explosion with atomic energy**

**ARTICLE 173-** (1) Any person who causes an explosion by releasing atomic energy and thus causes a significant danger to another person's life, health or property is sentenced to imprisonment for not less than five years.

(2) If the act defined in the above paragraph is committed negligently, a sentence of imprisonment from two to five years is imposed.

### **Unauthorized possession or exchange of dangerous goods<sup>62</sup>**

**ARTICLE 174-** (1) A person who manufactures, imports or exports explosive, caustic, corrosive, injurious, suffocating, poisonous, nuclear, radioactive, chemical, biological substances that cause permanent illness, without obtaining the necessary permission from the competent authorities, from one place to another within the country. The person who transports, preserves, sells, buys or processes is punished with imprisonment from four to eight years and a judicial fine up to five thousand days. The person who imports, exports, offers for sale, gives to others, transports, stores, purchases, accepts or keeps the materials and equipment required for the purpose of manufacturing, processing or using the substances covered by this paragraph without the permission of the competent authorities. punished with punishment.<sup>(62)</sup>

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<sup>62</sup> With the 15th article of the Law No. 6763 dated 24/11/2016, the phrase "three years" in the first paragraph of this article is "four years", the phrase "exporting the materials and equipment necessary for the manufacture, processing or use of the articles" is used to manufacture the articles. Importing, exporting, offering for sale, giving to others, transporting, storing, purchasing, accepting or keeping the materials and equipment necessary for the purpose of processing, processing or using"; changed to "floor".

(2) If these acts are committed within the framework of the activity of an organization formed to commit a crime, the penalty to be imposed is increased by one fold.<sup>62</sup>

(3) Anyone who purchases, accepts or possesses insignificant types and quantities of explosives. a person is sentenced to imprisonment of up to one year, considering the purpose of use.

#### **Violation of the duty of care and supervision on the mentally ill**

**ARTICLE 175-** (1) Any person who neglects the duty of care and supervision of a mentally ill person in a way that may endanger the life, health or property of others is sentenced to imprisonment of up to six months or a judicial fine.

#### **Failure to comply with safety rules regarding construction or demolition**

**ARTICLE 176-** (1) A person who does not take the necessary measures for human life or physical integrity during construction or demolition is punished with imprisonment from three months to one year or a judicial fine.

#### **Dangerous release of the animal**

**ARTICLE 177-** (1) Any person who releases an animal under his supervision in a way that may be dangerous for the life or health of others, or who neglects to control them, is sentenced to imprisonment of up to six months or a judicial fine.

#### **Not placing signs and obstacles**

**ARTICLE 178-** (1) A person who does not put the necessary signs or barriers to prevent the danger arising from the work being done or the goods left in the places where everyone passes by, removes the signs or barriers that have been put, or changes their place, is punished with imprisonment from two months to six months or a judicial fine. punished.

#### **Compromising traffic safety**

**ARTICLE 179-** (1) To ensure the safe flow of land, sea, air or railway transportation, by changing any signs, making them unusable, removing them from their places, giving wrong signs, placing something on the transit, arrival, departure or landing routes or A person who causes a danger to the life, health or property of others by interfering with the technical operating system is sentenced to imprisonment from one year to six years.

(2) Any person who directs and manages land, sea, air or railway transportation vehicles in a way that may be dangerous for the life, health or property of persons is sentenced to imprisonment from three months to two years.<sup>63</sup>

(3) A person who drives a vehicle despite being unable to safely drive and manage a vehicle due to the influence of alcohol or drugs or for any other reason is punished in accordance with the provisions of the above paragraph.

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<sup>63</sup> With Article 16 of the Law No. 6763 dated 24/11/2016, this paragraph is referred to as "the person who administers". The phrase "from three months" has been added to come after the phrase.

### **Endangering traffic safety by negligence**

**ARTICLE 180-** (1) Anyone who negligently causes a danger to the life, health or property of persons in sea, air or railway transportation is sentenced to imprisonment from three months to three years.

## **SECOND PART**

### **Offenses Against the Environment**

#### **Intentional pollution of the environment**

**ARTICLE 181-** (1) Any person who deliberately disposes of wastes or residues in the soil, water or air in violation of the technical procedures determined by the relevant laws and in a way that harms the environment is sentenced to imprisonment from six months to two years.

(2) The person who brings the waste or residues into the country without permission is sentenced to imprisonment from one year to three years. punished with a fine.

(3) In case the waste or residues have permanent properties in soil, water or air, The penalty to be imposed according to the paragraphs above is doubled.

(4) If the acts defined in paragraphs one and two are committed in relation to wastes or residues that may cause diseases that are difficult to treat for humans or animals, atrophy of reproductive ability, and change the natural characteristics of animals or plants, a prison sentence of not less than five years. and a judicial fine of up to one thousand days.

(5) Due to the acts in the second, third and fourth paragraphs of this article, security measures specific to them shall be imposed on legal persons.

#### **Pollution of the environment by negligence**

**ARTICLE 182-** (1) Any person who negligently causes waste or residues to be discharged into the soil, water or air in a way that harms the environment is punished with a judicial fine. If these wastes or residues have a permanent effect on the soil, water or air, a prison sentence of two months to one year is imposed.

(2) A person who causes the emergence of diseases that are difficult to treat in terms of humans or animals, atrophy of reproductive ability, and wastes or residues that may cause changes in the natural characteristics of animals or plants, by negligence into the soil, water or air, is sentenced to imprisonment from one year to five years. punished.

#### **Don't cause noise**

**ARTICLE 183-** (1) A person who causes noise in a way that is suitable for harming another person's health, contrary to the obligations determined by the relevant laws, is sentenced to imprisonment from two months to two years or a judicial fine.

### **Do not cause zoning pollution**

**ARTICLE 184-** (1) A person who constructs or has a building constructed without obtaining a building permit or in violation of the license is sentenced to imprisonment from one year to five years.

(2) The person who allows electricity, water or telephone connections to be made to the construction sites established due to the constructions started without a building permit shall be punished in accordance with the provisions of the above paragraph.

(3) Any person who allows the execution of any industrial activity in buildings for which occupancy permit has not been obtained is punished with imprisonment from two to five years.

(4) Except for the third paragraph, the provisions of this article are only applied within the boundaries of the municipality or in places subject to a special zoning regime.

(5) If the person makes the building that he has built or has built without a license or in violation of the license, in accordance with the zoning plan and license, a public lawsuit is not brought in accordance with the provisions of the first and second paragraphs, the public lawsuit that has been filed is dismissed, and the sentence is sentenced with all its consequences. disappears.

(6) **(Annex: 29/6/2005 – 5377/21 art.)** The provisions of the second and third paragraphs do not apply to the buildings constructed before 12 October 2004.

## **THIRD PART**

### **Offenses Against Public Health**

#### **Addition of toxic substance**

**ARTICLE 185-** (1) Anyone who puts the life and health of persons in danger by adding poison to drinking water or all kinds of food or things to be eaten or used or consumed, or by spoiling them in other ways, is sentenced to imprisonment from two years to fifteen years.

(2) The acts specified in the above paragraph are contrary to the duty of care and attention. committed, he shall be sentenced to imprisonment from three months to one year.

#### **Trade in spoiled or modified food or drugs**

**ARTICLE 186-** (1) Anyone who sells, supplies or possesses all kinds of edible or drinkable things or medicines that have been altered or deteriorated in a way that endanger the life and health of persons is sentenced to imprisonment from one year to five years and a judicial fine up to one thousand five hundred days.

(2) If this crime is committed within the scope of the practice of a profession and art based on official permission, the penalty to be imposed is increased by one third.

#### **Making or selling drugs in a way that endanger the life and health of people**

**ARTICLE 187-** (1) Producing drugs in a way that endanger the life and health of people or the person who sells them is sentenced to imprisonment from one year to five years and a judicial fine.

(2) In case this crime is committed by a doctor or pharmacist or within the scope of the performance of a profession and art based on official permission, the penalty to be imposed is increased by one third.

#### **Manufacture and trade of drugs or stimulants<sup>64</sup>65**

**ARTICLE 188-** (1) A person who manufactures, imports or exports narcotic or stimulant substances without a license or against the license is sentenced to imprisonment from twenty years to thirty years and a judicial fine from two thousand days to twenty thousand days.<sup>(64)</sup><sup>(65)</sup>

(2) Since the act of exporting drugs or stimulant substances is considered to be imported in terms of the other country, the portion of the sentence that is executed as a result of the trial held in that country is deducted from the sentence imposed as a result of the trial to be held in Turkey for the export of drugs or stimulants.

(3) A person who sells, offers for sale, gives to others, sends, transports, stores, buys, accepts, and possesses drugs or stimulant substances in the country without a license or contrary to the license, shall be imprisoned for not less than ten years and shall be punished with imprisonment from a thousand days to twenty thousand days. <sup>(64)</sup><sup>66</sup> **(Additional sentence: 18/6/2014 – 6545/66 art.)** However, if the person who is given or sold drugs or stimulants is a child, the person who gives or sells them is sentenced to fifteen years of imprisonment. <sup>(65)</sup>

(4) **(Amended: 27/3/2015-6638/11 art.)** a) The narcotic or stimulant substances mentioned in the above paragraphs are heroin, cocaine, morphine, synthetic cannabinoids and derivatives or basemorphine,

b) The acts in the third paragraph; Processing of buildings and facilities such as schools, dormitories, hospitals, barracks or places of worship for treatment, education, military and social purposes, and in public or public places within two hundred meters of their boundaries, if any, determined by perimeter walls, wire mesh or similar obstacles or signs. ,

the penalty to be imposed is increased by half.

(5) **(Amendment: 18/6/2014 – 6545/66th art.)** In case the crimes set forth in the paragraphs above are committed together by three or more persons, the penalty to be imposed is half, in case of commission within the framework of the activity of an organization formed to commit a crime. The penalty is increased by one.

(6) The provisions of the above paragraphs are also applied for all kinds of substances, the production of which depends on the permission of the official authorities or the sale of which depends on the prescription issued by the authorized physician, and which has the effect of narcotic or stimulant substances. **(Additional sentence: 29/6/2005 – 5377/22 art.)** However, the penalty to be imposed can be reduced to half.

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<sup>64</sup> With Article 66 of the Law No. 6545 dated 18/6/2014, the phrase "not less than ten years" in the first paragraph of this article is "twenty to thirty years", and the phrase "five years to fifteen years" in the third paragraph is "not less than ten years" and the phrase "four" in the seventh paragraph has been changed to "eight".

<sup>65</sup> With the article 137 of the Decree Law dated 15/8/2017 and numbered 694, the phrase "two thousand days" followed by the phrase "imprisonment from twenty to thirty years" in the first paragraph of this article, and "imprisonment of not less than ten years" in the third paragraph. The phrase "thousand days" was added to come after the phrase, and later this provision was enacted as it was accepted with Article 132 of the Law No. 7078 dated 1/2/2018.

<sup>66</sup> In order to precede the phrase "transferer" in these paragraphs, the phrase "referrer" has been added and included in the text with Article 22 of the Law No. 5377 dated 29/6/2005.

(7) A person who imports, manufactures, sells, purchases, transports, stores or exports a substance used in the production of narcotic or stimulant substances, although it does not have a narcotic or stimulant effect, and whose import or manufacture depends on the permission of the official authorities, eight shall be punished with imprisonment not less than one year and a judicial fine from one thousand days to twenty thousand days.

(8) If the crimes defined in this article are committed by a doctor, dentist, pharmacist, chemist, veterinarian, health officer, laboratory assistant, midwife, nurse, dental technician, nurse, health care provider, or a person engaged in chemistry or pharmaceutical trade, the penalty to be imposed is increased by half.

### **Implementation of security measures against legal entities**

**ARTICLE 189-** (1) If the crimes of manufacture and trade of drugs or stimulants are committed within the framework of the activity of a legal person, security measures specific to these shall be imposed on the legal person.

### **Facilitating the use of drugs or stimulants<sup>70</sup>**

**Article 190-** (1) To facilitate the use of drugs or stimulants;

- a) Providing special places, equipment or materials,
- b) Taking measures to make it difficult for users to be caught,
- c) Giving information to others about the methods of use,

The person is sentenced to imprisonment from five years to ten years and a judicial fine from a thousand days to ten thousand days.

(70)71

(2) A person who publicly encourages the use of drugs or stimulants or broadcasts in such a manner is punished with imprisonment from five years to ten years *and* a judicial fine from one thousand days to ten thousand days.

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<sup>67</sup> In order to precede the phrase "referrer" in these paragraphs, the phrase "referrer" has been added and included in the text with Article 22 of the Law No. 5377 dated 29/6/2005.

<sup>68</sup> With Article 66 of the Law No. 6545 dated 18/6/2014, the phrase "not less than ten years" in the first paragraph of this article is "twenty to thirty years", and the phrase "five years to fifteen years" in the third paragraph is "not less than ten years" and the phrase "four" in the seventh paragraph has been changed to "eight".

<sup>69</sup> With the article 137 of the Decree Law No. 694 dated 15/8/2017, the phrase "thousand days" was added after the phrase "imprisonment not less than eight years" in this paragraph, and later this provision was dated 1/2/2018. and it was enacted as it was accepted with Article 132 of the Law No. 7078.

<sup>70</sup> With Article 67 of the Law No. 6545 dated 18/6/2014, the first and second The phrases "five from two years" in the paragraphs have been changed to "ten out of five years".

<sup>71</sup> With the 138th article of the Decree Law dated 15/8/2017 and numbered 694, the phrase "and judicial money from a thousand days to ten thousand days" was added to come after the phrase "imprisonment up to ten years" in this paragraph. It was enacted as it was accepted with Article 133 of the Law No. 7078 dated 2/2018.

<sup>72</sup> With Article 67 of the Law No. 6545 dated 18/6/2014, the first and second The phrases "five from two years" in the paragraphs have been changed to "ten out of five years".

<sup>73</sup> With the 23rd article of the Law dated 29/6/2005 and numbered 5377, the second paragraph of this article was changed as the third paragraph and the third paragraph as the second paragraph.

<sup>74</sup> With the 138th article of the Decree Law dated 15/8/2017 and numbered 694, the phrase "and judicial money from a thousand days to ten thousand days" was added to come after the phrase "imprisonment up to ten years" in this paragraph. It was enacted as it was accepted with Article 133 of the Law No. 7078 dated 2/2018.

(3) If the crimes defined in this article are committed by a doctor, dentist, pharmacist, chemist, veterinarian, health officer, laboratory assistant, midwife, nurse, dental technician, nurse, health care provider, or a person engaged in chemistry or pharmaceutical trade, the penalty to be imposed It is increased by half.<sup>(72)</sup>

### **Buying, accepting or possessing drugs or stimulants for use, or using drugs or stimulants<sup>75</sup>**

#### **Article 191- (Amended: 18/6/2014 – 6545/68 art.)**

(1) A person who buys, accepts or keeps drugs or stimulants for use or uses drugs or stimulants is sentenced to imprisonment from two years to five years.

(2) In the investigation initiated due to this crime, it is decided to postpone the filing of the public case for five years, without seeking the conditions in Article 171 of the Criminal Procedure Law dated 4/12/2004 and numbered 5271. In this case, the public prosecutor warns the suspect about the consequences that may arise for him if he does not comply with the obligations imposed on him during the postponement period or violates the prohibitions.

(3) During the postponement period, a probation measure is applied to the suspect for a minimum of one year. This period may be extended by the decision of the Public Prosecutor for a maximum of one more year in three-month periods. The person who has been given probation may be subjected to treatment during the probation period, if deemed necessary.

(4) During the postponement period of the person;

a) Insisting on not acting in accordance with the obligations imposed on him or the requirements of the treatment applied,

b) Buying or accepting drugs or stimulants for reuse  
or have,

c) Using drugs or stimulants,  
case, a civil lawsuit is filed against him.

(5) Re-purchasing, accepting or possessing drugs or stimulants or using drugs or stimulants during the postponement period shall be considered as a violation in accordance with the fourth paragraph and shall not be subject to a separate investigation and prosecution.

(6) In investigations opened with the allegation that the crime defined in the first paragraph has been re-committed after the commencement of the public lawsuit pursuant to the fourth paragraph, a decision to postpone the filing of the public lawsuit cannot be made pursuant to the second paragraph.

(7) If the suspect does not violate the obligations set forth in the fourth paragraph during the postponement period and does not violate the prohibitions, it is decided that there is no room for prosecution.

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<sup>75</sup> While the title of this article was "Buying, accepting or possessing drugs or stimulants for use", it has been changed as it is in the text with Article 68 of the Law No. 6545 dated 18/6/2014.



(8) This Law;

- a) Manufacture and trade of narcotic or stimulant substances defined in Article 188,
- b) Facilitating the use of drugs or stimulants defined in Article 190,

If it is understood that the crime is exclusively within the scope of this article during the prosecution phase for the crime, a decision is made to defer the announcement of the verdict within the framework of the provisions of this article.

(9) In cases where there is no contrary provision in this article, the provisions of Article 171 of the Code of Criminal Procedure regarding the postponement of the opening of a public lawsuit or the provisions of Article 231 regarding the postponement of the announcement of the verdict are applied.

(10) **(Annex: 27/3/2015-6638/12 art.)** The acts in the first paragraph; Processing of buildings and facilities such as schools, dormitories, hospitals, barracks or places of worship for treatment, education, military and social purposes, and in public or public places within two hundred meters of their boundaries, if any, determined by perimeter walls, wire mesh or similar obstacles or signs. the penalty to be imposed is increased by half.

#### **Active regret**

**ARTICLE 192-** (1) If the person who has participated in the crimes of drug or stimulant production and trafficking informs the authority of other accomplices and the places where drugs or stimulant substances are stored or manufactured, before being informed by the official authorities, the information provided may prevent the accomplices of the crime or the drug or if he leads the seizure of the stimulant substance, no penalty shall be imposed on him.

(2) If the person who buys, accepts or keeps a narcotic or stimulant substance for use facilitates the arrest of criminals or the seizure of the narcotic or stimulant substance by informing the authority from whom, where and when he obtained this substance, before being informed by the official authorities, no penalty is imposed.

(3) After hearing about these crimes, the penalty to be imposed on the person who voluntarily serves and assists in the emergence of the crime and the arrest of the perpetrator or other accomplices, is reduced from one quarter to half, depending on the nature of the aid.

(4) If a person who uses drugs or stimulants seeks to be treated by applying to official authorities or health institutions before an investigation is initiated due to purchasing, accepting or possessing drugs or stimulants for use, no penalty shall be imposed. **(Additional sentence: 24/11/2016-6763/16 art.)** In this case, public officials and healthcare professionals are not obliged to report the crime in accordance with Articles 279 and 280.

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<sup>76</sup> With Article 17 of the Law No. 6763 dated 24/11/2016, the phrase "to the authorities" has been added to this paragraph. The phrase "or health institutions" has been added to come after it.

#### **Manufacturing and trading of toxic substances**

**ARTICLE 193-** (1) Any person who produces, possesses, sells or transports a substance that contains poison and whose production, possession or sale depends on permission, is sentenced to imprisonment from two months to one year.

#### **Supply of hazardous materials for health**

**ARTICLE 194-** (1) A person who gives or offers for consumption substances that may pose a health hazard to children, mental patients or those who use volatile substances is sentenced to imprisonment from six months to one year.

#### **Non-compliance with measures related to communicable diseases**

**ARTICLE 195-** (1) A person who does not comply with the measures taken by the competent authorities to quarantine the place where a person who has caught or died from one of the contagious diseases is located, is sentenced to imprisonment from two months to one year.

#### **Unlawful burial**

**ARTICLE 196-** (1) A person who bury or has buried the dead in places other than the places reserved for burial is punished with imprisonment up to six months.

### **CHAPTER FOUR**

#### **Offenses Against Public Trust**

##### **counterfeit money**

**ARTICLE 197-** (1) Any person who forges, introduces, transfers, preserves or puts into circulation the currency in circulation in the country or abroad, is sentenced to imprisonment from two years to twelve years and a judicial fine of up to ten thousand days.

(2) A person who knowingly accepts counterfeit money is sentenced to imprisonment from one year to three years and a judicial fine. punished with a fine.

(3) The person who puts the money, which he accepted without knowing that it is fake, knowing this quality, punishable with imprisonment from three months to one year.

##### **Values that count as money**

**ARTICLE 198-** (1) Bearer bonds, stocks, bonds and coupons issued by the state, bills, bonds and documents and national jewelry that are legally circulated by authorized institutions are in the form of money.

##### **Forgery of precious stamp**

**ARTICLE 199-** (1) A person who forges, brings into the country, transports, preserves or puts a valuable stamp into circulation is punished with imprisonment from one year to five years and a judicial fine. punished.

(2) A person who knowingly accepts a counterfeited precious stamp may be liable for a period of three months to one year. shall be punished with imprisonment of up to

(3) Knowing this nature of the precious stamp, which he accepted without knowing its falsity, he put it into circulation. The person who commits it is punished with imprisonment from one month to six months.

(4) Stamped papers, stamps and postage stamps and stamps used to certify the payment of a certain amount of tax or duty are considered valuable stamps.

### **Tools for making money and stamps**

**ARTICLE 200-** (1) Any person who produces, imports, sells, transfers, buys, accepts or preserves the tools or materials used in the production of valuable stamps with money, is sentenced to imprisonment from one year to four years and a judicial fine.

### **Active regret**

**ARTICLE 201-** (1) The person who produces, imports, transfers, preserves or accepts money or stamps of value forged, before putting these money or precious stamps into circulation and being notified by the official authorities, shall not be liable for the other accomplices and the counterfeit money or stamps. If he informs the authority of the places where valuable stamps are produced or stored, if the information provided leads to the arrest of accomplices and the seizure of counterfeit money or valuable stamps, no penalty shall be imposed on him.

(2) The person who produces, imports, sells, transfers, purchases, accepts or preserves the tools and materials used in the production of counterfeit money or valuable stamps without permission, before being informed by the official authorities, other accomplices and the place where this material was produced or stored. If he informs the relevant authority, if the information provided leads to the arrest of the accomplices and the seizure of this material, he will be punished. not ruled.

### **Forgery of seal**

**ARTICLE 202-** (1) Any person who fakes or uses the seal used by the Presidency, the Presidency of the Grand National Assembly of Turkey and the Prime Ministry is sentenced to imprisonment from two to eight years.

(2) Any person who fakes or uses the certifying or certifying seal used by public institutions and organizations or professional organizations in the nature of public institutions is sentenced to imprisonment from one year to six years.

### **unsealing**

**ARTICLE 203-** (1) A person who removes the seal placed in order to ensure that something is kept or preserved as it is pursuant to the law or the order of the competent authorities, or who acts contrary to the purpose of its placement, is punished with imprisonment from six months to three years or a judicial fine. punished.

### **The official document forgery**

**ARTICLE 204-** (1) Any person who forges an official document, alters a real official document in a way that deceives others, or uses a fake official document, is sentenced to imprisonment from two years to five years.

(2) A public official who forges an official document that he is authorized to issue due to his duty, changes a real document in a way that deceives others, draws up a document untrue or uses a fake official document is sentenced to imprisonment from three years to eight years.

(3) Valid until the forgery of the official document is proven as per the provision of law.  
If it is a document, the penalty to be imposed is increased by half.

### **Corrupting, destroying or concealing an official document**

**ARTICLE 205-** (1) Anyone who corrupts, destroys or conceals a real official document is punished with imprisonment from two to five years. If the crime is committed by a public official, the penalty to be imposed is increased by half.

### **False statement in the preparation of the official document**

**ARTICLE 206-** (1) A person who makes a false statement to a public official who has the authority to issue an official document is punished with imprisonment from three months to two years or a judicial fine.

### **Forgery of private document**

**ARTICLE 207-** (1) Any person who forges a private document or changes and uses a real private document in a way that deceives others is sentenced to imprisonment from one year to three years.

(2) A person who knowingly uses a fake private document with this feature is also punished in accordance with the above paragraph.

### **Corrupt, destroy or hide private document**

**Article 208 -** (1) A person who corrupts, destroys or conceals a genuine private document, shall be punished with imprisonment from one year to three years.

### **Abuse of exposed signature**

**ARTICLE 209-** (1) A person who fills in a signed and partially or completely blank paper submitted to him to be filled and used in a certain manner, in a way different from the reason for which it was submitted, is sentenced to imprisonment from three months to one year, upon complaint.

(2) A person who unlawfully seizes or keeps a signed and partially or completely blank paper and fills it in a way that has legal consequences, is punished in accordance with the provisions of forgery in the document.

### **Official documents**

**ARTICLE 210-** (1) If the subject of the crime of forgery in a private document is a bill of exchange, a document representing a commodity, a stock, a bond or a testament, the provisions regarding the crime of forgery in the official document are applied.

(2) A doctor, dentist, pharmacist, midwife, nurse or other healthcare professional who issues false documents is sentenced to imprisonment from three months to one year. In the event that the issued document provides an unfair advantage to the person or bears a consequence to the detriment of the public or individuals, a penalty is imposed according to the provisions of forgery in the official document.

### **Case with less punishment**

**ARTICLE 211-** (1) In case the crime of forgery is committed in order to prove a claim based on a legal relationship or to document a real situation, the penalty to be imposed is reduced by half.

### **Assembly**

**Article 212-** (1) During the commission of another crime, a fake official or private document in case of use, a separate penalty will be imposed for both forgery and the related crime.

## **CHAPTER FIVE**

### **Offenses Against Public Peace**

#### **Threat to create fear and panic among the public**

**ARTICLE 213-** (1) Any person who publicly threatens his life, health, physical or sexual immunity or property in order to cause anxiety, fear and panic among the public is sentenced to imprisonment from two years to four years.

(2) If the crime is committed with a weapon, the penalty to be imposed may be increased by half, depending on the quality of the weapon used.

#### **incitement to crime**

**ARTICLE 214-** (1) A person who publicly provokes to commit a crime is punished with imprisonment from six months to five years.

(2) By arming one part of the people against another part, they try to kill each other. The person who provokes him is punished with imprisonment from fifteen to twenty-four years.

(3) In case of committing the crimes subject to incitement, the person who provoked these crimes punishable as such.

#### **praising the crime and the criminal<sup>77</sup>**

**ARTICLE 215-** (1) Anyone who publicly praises a committed crime or a person for the crime he has committed is sentenced to imprisonment for up to two years, in case a clear and imminent danger arises for this reason in terms of public order.

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<sup>77</sup> With the 10th article of the Law No. 6459 dated 11/4/2013, the phrase "in case of a clear and imminent danger in terms of public order" has been added after the phrase "anyone" in this article.

### **Provoking or humiliating the public to hatred and enmity**

**ARTICLE 216-** (1) A person who openly incites a segment of the public with different characteristics in terms of social class, race, religion, sect or region to hatred and enmity against another segment, in case of a clear and imminent danger in terms of public security, for this reason, punishable with imprisonment from one to three years.

(2) Discrimination against a segment of the population, based on social class, race, religion, sect, gender or region. A person who publicly humiliates on the basis of this is punished with imprisonment from six months to one year.

(3) A person who publicly insults the religious values adopted by a section of the public is sentenced to imprisonment from six months to one year, if the act is suitable for disturbing the public peace.

### **Provocation to disobey the law**

**ARTICLE 217-** (1) The person who openly incites the public to disobey the laws is punished with imprisonment from six months to two years or a judicial fine if the provocation is suitable to disturb the public peace. punished with

### **common provision**

**ARTICLE 218-** (1) **(Amendment: 29/6/2005 – 5377/25 art.)** In case the crimes defined in the above articles are committed through the press and broadcasting, the penalty to be imposed is increased by one half. However, statements of opinion that do not exceed the limits of reporting and that are made for the purpose of criticism do not constitute a crime.

### **Abusing religious services while on duty**

**ARTICLE 219-** (1) If a religious leader such as an imam, orator, preacher, priest, rabbi, while performing his duty, publicly disparages the government administration, State laws and government actions, he is sentenced to imprisonment from one month to one year and a judicial fine or to one of them. can be judged.

(2) If one of the persons listed in the above paragraph, in this capacity, incites and encourages the administration of the government, the law, order and orders, and the duty and authority of one of the departments, or incites and encourages the people to disobey the laws or government orders, or to act as a civil servant. He is sentenced to imprisonment from one month to two years, a judicial fine and a life sentence, or temporarily dissatisfied with performing that duty and receiving his benefits and dues.

(3) Penalties written in the preceding paragraph shall be imposed even on religious leaders and officials who, by using their own titles, make acts and words contrary to the rights acquired according to the law, compel or persuade a person.

(4) If one of them, taking advantage of his religious title, commits a crime other than the acts listed in the first paragraph, he shall be sentenced to the penalty specified in the law for that crime, provided that the amount is increased by one-sixth.

(5) There is no room for increasing the penalty, provided that the law has essentially taken this title into consideration.

### **Establishing an organization to commit a crime**

**ARTICLE 220-** (1) Those who establish or manage an organization with the aim of committing acts deemed as a crime by the law are sentenced to imprisonment from four years to eight years, provided that the structure of the organization, the number of members it has, and the means and equipment are suitable for committing the purpose crimes. However, for the existence of the organization, the number of members must be at least three people.<sup>78</sup>

(2) Those who become members of an organization established for the purpose of committing a crime are sentenced to imprisonment from two to four years.<sup>(78)</sup>

(3) If the organization is armed, the penalty to be imposed according to the above paragraphs is increased from one quarter to half.

(4) In case of committing a crime within the framework of the activities of the organization, also due to these crimes. will be punished.

(5) Organization managers are also punished as perpetrators for all crimes committed within the framework of the organization's activities.

(6) **(Amendment: 2/7/2012 – 6352/85 art.)** A person who commits a crime on behalf of the organization, even though he is not a member of the organization, is also punished for being a member of the organization. The penalty to be imposed for the crime of being a member of an organization can be reduced to half. **(Additional sentence: 11/4/2013-6459/11 art.)** The provision of this paragraph applies only to armed organizations.

(7) **(Amended: 2/7/2012 – 6352/85 art.)** A person who knowingly and willingly helps the organization, although not included in the hierarchical structure within the organization, is punished as a member of the organization. The penalty to be imposed due to membership of the organization can be reduced to one third, depending on the nature of the aid provided.

(8) A person who makes propaganda in a way that will justify or praise the methods of the organization that includes force, violence or threat or encourages the use of these methods is punished with imprisonment from one year to three years. If this crime is committed through the press and broadcasting, the penalty to be imposed is increased by half.<sup>79</sup>

### **Active regret**

**ARTICLE 221-** (1) No penalty shall be imposed on the founders or administrators who disband the organization or ensure the dissolution of the organization with the information they provide, before an investigation is started due to the crime of establishing an organization with the aim of committing a crime and before a crime is committed in line with the purpose of the organization.

(2) If a member of the organization informs the relevant authorities that he has left the organization voluntarily without participating in the commission of any crime within the framework of the activity of the organization, he is not punished.

(3) If a member of the organization who is caught without participating in the commission of any crime within the framework of the activities of the organization, regretfully gives information suitable for the dissolution of the organization or the arrest of its members, no penalty shall be imposed.

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<sup>78</sup> With the 13th article of the Law dated 14/4/2020 and numbered 7242, the phrase "two years to six years" in the first paragraph is changed to "from four years to eight years" and the phrase "from one year to three years" in the second paragraph is changed to "two years to four years". has been changed.

<sup>79</sup> Pursuant to Article 11 of Law No. 6459 dated 11/4/2013, the phrase "or purpose" in this paragraph has been amended as "in a way to legitimize or praise methods involving force, violence or threats or to encourage resorting to such methods".

(4) If a person who establishes, manages, or is a member of an organization with the aim of committing a crime, or who commits a crime on behalf of the organization without being a member, or knowingly and willingly helps the organization, surrenders voluntarily and gives information about the crimes committed within the framework of the structure and activity of the organization, No penalty shall be imposed for founding, managing or being a member of an organization. If the person gives this information after he is caught, the punishment to be given for this crime is reduced from one third to three quarters.<sup>80</sup>

(5) Probation for one year for persons benefiting from effective remorse precaution is taken. The period of probation can be extended up to three years.

(6) **(Annex: 6/12/2006 – 5560/8 art.)** The effective regret in this article about the person provisions do not apply more than once.

#### **Hat and Turkish letters**

**Article 222- (Repealed: 2/3/2014-6529/16 art.)**

### **CHAPTER SIX**

#### **Offenses Against Means of Transport or Fixed Platforms**

##### **Kidnapping or detention of means of transport**

**ARTICLE 223-** (1) Any person who hinders the movement of the land transportation vehicle by using force or threat or any other unlawful act, stops this vehicle while it is in motion or takes it to another place from the place where he is going, is sentenced to imprisonment from one year to three years.

(2) If the subject of the offense is a sea or railway transportation vehicle, a prison sentence of two to five years is imposed.

(3) Any person who hinders the movement of an air transportation vehicle by using force or threat or any other unlawful act, or takes this vehicle from the destination to another place, is sentenced to imprisonment from five years to ten years.

(4) An additional penalty shall be imposed due to the restriction of the freedom of persons during the commission of these crimes.

(5) Aggravated due to the result of the crime of intentional injury during the commission of these crimes In case of realization of the cases, the provisions regarding the crime of willful injury are also applied.

##### **Occupation of fixed platforms in the continental shelf or exclusive economic zone**

**ARTICLE 224-** (1) A person who seizes, seizes or takes control of a fixed platform established on the continental shelf or in the exclusive economic zone by using force or threat or in any other unlawful act is punished with imprisonment from five years to fifteen years.  
punished.

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<sup>80</sup> Following the phrase "member of an organization" in this paragraph, the phrase "or committing a crime on behalf of the organization without being a member or knowingly and willingly helping the organization" has been added with Article 26 of the Law No. 5377 of 29/6/2005.



(2) An additional penalty shall be imposed due to the restriction of the freedom of persons during the commission of this crime.

(3) In case of aggravated situations due to the result of the crime of willful injury during the commission of this crime, the provisions regarding the crime of willful injury are also applied.

## **CHAPTER SEVEN**

### **Offenses Against Public Morality**

#### **indecent acts**

**ARTICLE 225-** (1) A person who publicly engages in sexual intercourse or exhibits punishable by imprisonment of up to one year.

#### **Obscenity**

**Article 226-** (1) a) Products containing obscene images, texts or words to a child giving, or showing, reading, reading or listening to their content,

b) In places where children can enter or see their contents, or publicly showing, displaying in a visible way, reading, making read, saying, telling,

c) Offering these products for sale or rent in such a way that their contents can be understood,

d) Offering or selling these products for sale, excluding the shopping places for their sale.

or the lessor,

e) These products are sold alongside the sale of other goods or services or, therefore, free of charge. giving or distributing,

f) Advertising these products,

The person is punished with imprisonment from six months to two years and a judicial fine.

(2) A person who publishes or mediates obscene images, texts or words through the press or publication is punished with imprisonment from six months to three years and a judicial fine up to five thousand days.

(3) Any person who uses children, representative images of children or people who look like children in the production of products containing obscene images, texts or words is sentenced to imprisonment from five years to ten years and a judicial fine of up to five thousand days. A person who brings these products into the country, reproduces, offers for sale, sells, transports, stores, exports, keeps or makes them available to others is punished with imprisonment from two to five years and a judicial fine of up to five thousand days.<sup>81</sup>

(4) A person who produces, brings into the country, offers for sale, sells, transports, stores, offers to others or keeps products containing texts, sounds or images related to sexual acts performed using violence, with animals, on the dead human body or in an unnatural way, shall be punished with imprisonment from one year to four years and a judicial fine of up to five thousand days.

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<sup>81</sup> With Article 30 of the Law No. 6698 dated 24/3/2016, the phrase "children" in this paragraph has been changed to "children, representative images of children or persons who look like children".

(5) Any person who publishes or mediates the content of the products in paragraphs three and four through the press and broadcasts, or allows children to see, listen to or read, is sentenced to imprisonment from six years to ten years and a judicial fine of up to five thousand days.

(6) Due to these crimes, security measures specific to legal persons are taken.  
judged.

(7) The provisions of this article, with scientific works; with the exception of the third paragraph and It does not apply to works with artistic and literary value, provided that access is prevented.

#### Prostitution

**ARTICLE 227-** (1) Anyone who encourages, facilitates, procures or shelters a child for this purpose, or mediates the child's prostitution is punished with imprisonment from four years to ten years and a judicial fine of up to five thousand days. Preparatory actions for the commission of this crime are also punished as a completed crime.

(2) A person who encourages someone to commit prostitution, facilitates it, or mediates or provides a place for prostitution is sentenced to imprisonment from two to four years and a judicial fine up to three thousand days. Making a living, partially or completely, by making use of the earnings of the person dragged into prostitution is considered an incentive to prostitution.

(3) **(Abolished: 6/12/2006 – 5560/45 art.; Re-arrangement: 24/11/2016-6763/18 art.)** Giving products containing images, texts and words prepared to facilitate or mediate prostitution, The person who distributes or distributes it is punished with imprisonment from one year to three years and a judicial fine from two hundred days to two thousand days.

(4) According to the above subsections, the penalty to be imposed on a person who uses force or threat, deceives, or induces a person to commit prostitution, is increased from half to two times.

(5) In case the offenses defined in the above paragraphs are committed by the spouse, parent, brother-in-law, sibling, adopter, guardian, educator, teacher, caregiver, other persons who are obliged to protect and supervise, or by abuse of influence provided by the public office or service relationship, The penalty to be imposed is increased by half.

(6) These crimes are carried out within the framework of the organizational activity established for the purpose of committing a crime. the penalty to be imposed according to the above paragraphs is increased by half.

(7) Due to these crimes, security measures specific to legal persons are taken.  
judged.

(8) The person driven into prostitution may be subjected to treatment or psychological therapy.<sup>82</sup>

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<sup>82</sup> In this paragraph, "he is subject to treatment or therapy." The phrase "may be subjected to treatment or psychological therapy" with Article 9 of the Law No. 5560 dated 6/12/2006. It has been changed in form and processed into the text.

### **Providing space and opportunity for gambling**

**Article 228-** (1) The person who provides the place and opportunity for gambling, shall be punished with imprisonment up to a maximum of two hundred days and a judicial fine of not less than two hundred days.<sup>83</sup>

(2) Penalty to be imposed if a place and opportunity is provided for children to gamble is increased by one fold.

(3) **(Annex: 15/8/2017-KHK-694/139 art.; Adopted in kind: 1/2/2018-7078/134 art.)**

In case the crime is committed by using information systems, he/she is sentenced to imprisonment from three years to five years and a judicial fine from one thousand days to ten thousand days.

(4) **(Added: 15/8/2017-KHK-694/139 art.; Adopted in kind: 1/2/2018-7078/134 art. )**

If it is committed within the framework of the activity of an organization, the penalty to be imposed is increased by half.

(5) Due to this offense, legal persons are subject to security measures specific to them. judged. <sup>84</sup>

(6) In the application of the Penal Code, gambling is games that are performed for the purpose of gain and in which profit and loss depend on luck.<sup>(84)</sup>

### **Beggary**

**ARTICLE 229-** (1) Any person who uses children, physically or mentally incapable of self-control, as a tool in begging, is sentenced to imprisonment from one year to three years.

(2) By blood or in-law relatives or spouse, including third degree, of this crime the penalty to be imposed is increased by half.

(3) If this crime is committed within the framework of organizational activity, the penalty to be imposed is one floor is increased.

## **CHAPTER EIGHT**

### **Offenses Against Family Order**

#### **Multiple marriages, fraudulent marriage, religious ceremony**

**ARTICLE 230-** (1) Despite being married, a person who has married someone else, shall be punished with imprisonment from one month to two years.

(2) Marriage with a person whom he knows to be married, although he is not married. the person who has done it will be punished according to the provision of the above paragraph.

(3) A person who gets married to another person by hiding his real identity is punished with imprisonment from three months to one year.

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<sup>83</sup> With the 19th article of the Law No. 6763 dated 24/11/2016, the phrase "imprisonment up to one year" in this paragraph has been amended as "imprisonment from one year to three years and not less than two hundred days".

<sup>84</sup> With the 139th article of the Decree Law dated 15/8/2017 and numbered 694, the paragraphs (3), (4) were added to the article 228 after the second paragraph, and the other paragraphs were repeated accordingly, then this provision 1/2/ It was enacted with the same article 134 of the Law No. 7078 dated 2018.

(4) The statute of limitations, annulment of marriage due to the crimes defined in the paragraphs above  
It starts to run from the date the decision becomes final.

(5) **(Annulled: Constitutional Court dated 27/5/2015 and E.: 2014/36, K.: 2015/51  
by Decision No.)**

(6) **(Annulled: Constitutional Court dated 27/5/2015 and E.: 2014/36, K.: 2015/51  
by Decision No.)**

### **Changing a child's ancestry**

**Article 231-** (1) The person who changes or conceals the paternity of a child, from one year to three years.  
punishable by imprisonment.

(2) By acting against the duty of care, a child in a health institution  
The person who causes him to mix with the child is punished with imprisonment up to one year.

### **ill-treatment**

**ARTICLE 232-** (1) Any person who mistreats one of the people with whom he lives in the same  
residence is sentenced to imprisonment from two months to one year.

(2) A person who abuses his disciplinary authority arising from his right of upbringing over a person  
under his administration or whom he is responsible for raising, teaching, caring for, maintaining or teaching a  
profession or art, is sentenced to imprisonment of up to one year.

### **Violation of obligation arising from family law**

**ARTICLE 233-** (1) Obligation of care, education or support arising from family law.  
The person who does not comply with the complaint is punished with imprisonment up to one year.

(2) Any person who abandons his wife whom he knows to be pregnant or an unmarried woman whom  
he knows to be pregnant, is sentenced to imprisonment from three months to one year.

(3) Even if their custody rights have been revoked, the mother or father who seriously endanger the  
moral, safety and health of their children due to lack of material and moral care as a result of habitual  
drunkenness, use of drugs or stimulants or dishonorable attitudes and actions, punishable by imprisonment.

### **Child abduction and detention**

**ARTICLE 234-** (1) In the event that a parent, whose custody has been taken away, or a third degree  
blood relative, kidnaps or detains a child who has not completed the age of sixteen without using force or threat  
from a parent, guardian or person under his care and supervision, shall be sentenced to imprisonment of up to  
one year.

(2) The act has been committed using force or threat, or the child has not yet reached the age of twelve.  
If he has not finished, the penalty is increased by one fold.

(3) **(Annex: 6/12/2006 – 5560/10 art.)** The person who keeps the child who leaves the house without the knowledge or  
consent of his legal representative, even with his consent, without informing his family or the competent authorities of the situation,  
may, upon a complaint, take a leave of absence for a period of three months. punishable by imprisonment of up to one year.

## CHAPTER NINE

### Crimes Related to Economy, Industry and Commerce

#### Bid rigging

**ARTICLE 235- (1) (Amendment: 11/4/2013-6459/12 art.)** A person who rigged tenders for the purchase or sale of goods or services or leases and construction tenders on behalf of public institutions or organizations, for a period of three to seven years. punishable by imprisonment.

(2) The tender is deemed to have been rigged in the following cases:

a) By fraudulent behavior;

1. Persons who have the qualifications or conditions to participate in the tender or tender prevent them from participating in the proceedings,

2. To ensure that people who do not have the qualifications or conditions to participate in the tender participate in the tender,

3. To exclude the offered goods from the evaluation on the grounds that they do not have the qualifications specified in the specification, but they do not,

4. Offered goods, although they do not have the qualifications specified in the specification, to take it into consideration with a bet.

b) To enable others to access the information about the bids, which must be kept confidential according to the tender legislation or specifications.

c) To prevent persons who have the qualifications or conditions to participate in the tender from participating in the tender and transactions in the tender process, by using force or threat or by other unlawful acts.

d) The persons willing or participating in the tender make an explicit or secret agreement between them in order to affect the tender conditions and especially the price.

**(3) (Amendment: 11/4/2013-6459/12 art.)** The offense of bid rigging;

a) The lower limit of the basic penalty cannot be less than five years in case it is committed by using force or threat. However, in cases where the offense of willful injury or threat is qualified that requires a heavier penalty, additional punishment is imposed due to these offenses.

b) If no harm has been caused to the relevant public institution or organization as a result of its processing, the perpetrator is sentenced to imprisonment from one year to three years, except for the cases specified in subparagraph (a) of this paragraph.

(4) Officials who provide benefits due to bid rigging, also are punished according to the relevant crime provision.

(5) The provisions of the above paragraphs, increases or decreases made through public institutions or organizations, professional organizations in the nature of public institutions, companies established with the participation of public institutions or organizations or professional organizations in the nature of public institutions, foundations operating under them, associations working for the public interest. It is also applied in case of falsification of purchases or sales of goods or services or leases made on behalf of cooperatives or cooperatives.

#### **Do not confuse the performance of my deed**

**ARTICLE 236-** (1) The person who misleads the performance of an act undertaken against public institutions or organizations, professional organizations in the nature of public institutions, companies established with their participation, foundations operating under them, associations working for the public interest or cooperatives, is liable for a period of three to seven years. punishable by imprisonment.

(2) In case the following acts are committed fraudulently, the performance of the act is deemed to have been caused by mischief:

- a) Delivery of a good other than the goods specified in the tender decision or contract.  
or to be accepted.
- b) Delivery or acceptance of the goods that are less than the amount specified in the tender decision or the contract.  
to be made.
- c) Although the performance is not performed within the time specified in the tender decision or the contract,  
to be considered as performed on time.
- d) In the specification or contract of the work or the material used in the construction tenders,  
being accepted even though it does not comply with the specified conditions, quantity or qualifications.
- e) The performance of the service is subject to the conditions specified in the tender decision or the contract.  
It is considered as given even though it is not given or given incompletely.

(3) Persons in charge who obtain benefits due to rigging in the performance of the act are also punished according to the relevant criminal provision for this reason.

#### **Influencing prices<sup>85</sup>**

**ARTICLE 237-** (1) Anyone who spreads false news or news or resorts to other fraudulent means in a way that may result in an increase or decrease in the wages of workers or the value of food or goods is sentenced to imprisonment from one year to three years and a judicial fine.

(2) If the value of food or goods or the wages of workers increase or decrease as a result of the act, the penalty is increased by half.

(3) If the perpetrator is a licensed broker or stockbroker, the penalty is also increased by half.

#### **Causing a lack of public essentials**

**ARTICLE 238-** (1) A person who, by failing to fulfill his/her commitment, causes the disappearance or significant decrease of public institutions and organizations or public service or essential goods or food for the prevention of a general disaster, is imprisoned from one year to three years and a judicial fine up to one thousand days. penalty is given.

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<sup>85</sup> With the 19th article of the Law No. 7413 dated 23/6/2022, the phrase "from three months to two years" in the first paragraph of this article, the phrase "from one year to three years", the phrase "one third" in the second paragraph and the phrase "half" in the third paragraph. The phrase "one in eight" has been changed to "half".

**Information or documents qualified as trade secret, banking secret or customer secret disclosure**

**ARTICLE 239-** (1) A person who gives or discloses to unauthorized persons the information or documents of which he is familiar due to his qualifications or duty, profession or art, is subject to imprisonment from one year to three years and a judicial sentence up to five thousand days. punishable by a fine. If this information or documents are given or disclosed to unauthorized persons by persons who obtained them illegally, a penalty shall be imposed according to this paragraph.

(2) The provisions of the first paragraph are also applied to scientific discoveries and inventions or information related to industrial application.

(3) These secrets are disclosed to a non-resident foreigner or his officials.

Otherwise, the penalty to be given to the perpetrator is increased by one third. In this case, the condition of complaint is not sought.

(4) By using force or threat, a person can be deprived of information or information falling within the scope of this article. The person who compels the disclosure of documents is punished with imprisonment from three to seven years.

**Avoidance of selling goods or services<sup>86</sup>**

**Article 240-** (1) By refraining from selling a certain good or service, it is an urgent matter for the public. The person who causes the need to arise is punished with imprisonment from one year to three years.

**Usury**

**ARTICLE 241-** (1) The person who lends money to someone else for profit shall be punished with imprisonment up to six years and a judicial fine from five hundred days to five thousand days.<sup>87</sup>

(2) (**Annex: 14/4/2020-7242/14 art.**) The commission of the crime within the framework of the activity of an organization the penalty to be imposed is increased by one fold.

**Implementation of security measures against legal entities**

**ARTICLE 242-** (1) By committing the crimes in this section, security measures specific to them shall be imposed on legal persons to whom benefit is provided.

**CHAPTER TEN**

**Informatics Crimes**

**Entering the information system**

**ARTICLE 243-** (1) Anyone who illegally enters or remains in the whole or part of an information system is sentenced to imprisonment of up to one year or a judicial fine.<sup>88</sup>

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<sup>86</sup> With Article 20 of the Law No. 7413 dated 23/6/2022, the phrase "six months to two years" has been changed from "one year to three years".

<sup>87</sup> With the 14th article of the Law No. 7242 dated 14/4/2020, the "up to five years" in this paragraph the phrase "imprisonment and" has been changed to "imprisonment of up to six years and five hundred days".

<sup>88</sup> With Article 30 of the Law No. 6698 dated 24/3/2016, the phrase "and" in this paragraph Changed to "or".

(2) Systems that can be used against the cost of the acts defined in the above paragraph the penalty to be imposed shall be reduced by half.

(3) If the data contained in the system is destroyed or changed due to this act, he is sentenced to imprisonment from six months to two years.

(4) **(Annex: 24/3/2016-6698/30 art.)** A person who unlawfully monitors data transmissions within an information system or between information systems, without entering the system, through technical means, is sentenced to imprisonment from one year to three years. .

#### **Blocking, corrupting, destroying or modifying the system**

**Article 244-** (1) A person who hinders or disrupts the operation of an information system is liable for a period of one year. punishable by up to five years' imprisonment.

(2) A person who corrupts, destroys, changes or renders inaccessible data in an information system, places data on the system, or sends existing data to another place, is sentenced to imprisonment from six months to three years.

(3) These acts are committed against a bank or credit institution or a public institution or institution. If it is processed on the information system of the company, the penalty to be imposed is increased by half.

(4) If the person's gaining an unfair advantage for himself or someone else by committing the acts defined in the above paragraphs does not constitute another crime, he is sentenced to imprisonment from two years to six years and a judicial fine up to five thousand days.

#### **Misuse of debit or credit cards**

##### **Article 245 – (Amended: 29/6/2005 – 5377/27 art.)**

(1) If a person who seizes or holds a bank or credit card belonging to someone else, for any reason, uses it or makes someone else use it without the consent of the card holder or the person to whom the card should be given, imprisonment from three years to six years. shall be punished with a judicial fine of up to five thousand days.

(2) A person who produces, sells, transfers, buys or accepts fake bank or credit cards by associating with the bank accounts of others is punished with imprisonment from three to seven years and a judicial fine up to ten thousand days.

(3) A person who benefits himself or someone else by using a bank or credit card that has been fraudulently created or forged, is sentenced to imprisonment from four years to eight years and a judicial fine up to five thousand days, unless the act does not constitute another crime requiring a heavier penalty.

(4) The crime in the first paragraph; a)  
One of the spouses for whom a separation decision has not been  
made, b) One of the ancestors or descendants or one of the relatives of beech at this level, or a child  
adoptive or adoptive,  
c) In the event that one of the siblings living together in the same  
residence is committed to his/her detriment, no penalty shall be imposed on the related relative.



(5) (**Annex: 6/12/2006 – 5560/11 art.**) Regarding the acts within the scope of the first paragraph Effective repentance provisions of this Law regarding crimes against property are applied.

#### **Forbidden devices or programs**

##### **Article 245/A- (Annex: 24/3/2016-6698/30 art.)**

(1) A device, computer program, password or other security code; In the event that it is made or constituted exclusively for the commission of crimes in this Section and other crimes that can be committed through the use of information systems as a tool, it manufactures, imports, forwards, transports, stores, accepts, sells, offers for sale, purchases, The person who gives or keeps it is punished with imprisonment from one year to three years and a judicial fine up to five thousand days.

#### **Implementation of security measures against legal entities**

**ARTICLE 246-** (1) By committing the crimes in this section, security measures specific to them shall be imposed on legal persons to whom benefit is provided.

### **PART FOUR**

#### **Offenses Against Nation and State and Final Provisions**

##### **FIRST PART**

#### **Offenses Against the Credibility and Functioning of the Public Administration**

##### **Debit**

**ARTICLE 247-** (1) A public official whose possession has been transferred to him due to his duty or who embezzles the property for which he is responsible for the protection and supervision of himself or someone else, is sentenced to imprisonment from five years to twelve years.

(2) The crime is committed with fraudulent acts aimed at ensuring that embezzlement is not disclosed. In this case, the penalty to be imposed is increased by half.

(3) The crime of embezzlement is to be returned after the property has been used for a temporary period. If committed, the penalty to be imposed may be reduced by half.

##### **Active regret**

**ARTICLE 248-** (1) Two-thirds of the penalty to be imposed, in case the embezzled property is returned in its original form or the damage suffered is fully compensated before the investigation begins.

is downloaded.

(2) Before the prosecution begins, if the embezzled property is returned voluntarily or the damage suffered is fully compensated, the penalty to be imposed is reduced by half. If the effective repentance occurs before the verdict, one third of the penalty to be imposed is reduced.

### **Case with less punishment**

**ARTICLE 249-** (1) Due to the low value of the property that is the subject of the crime of embezzlement, The penalty to be imposed is reduced from one third to one half.

### **affiliation**

**ARTICLE 250-** (1) **(Amended: 2/7/2012-6352/article 86)** A public official who compels a person to benefit himself or someone else or to make a promise in this way by abusing the influence provided by his/her duty, shall be sentenced to imprisonment from five years to ten years. punished with a fine. In the face of the unfair attitudes and behaviors of the public official, the existence of a coercion is accepted if the person has provided a benefit to the public official or the person he or she will direct, by feeling compelled, with the fear that his rightful work will not be done at all or at least on time.

(2) Any public official who persuades a person to make a promise to himself or another person by means of fraudulent acts by violating the trust provided by his office is punished with imprisonment from three years to five years.

(3) If the crime defined in the second paragraph is committed by taking advantage of the fault of the person, a sentence of imprisonment from one year to three years is imposed.

(4) **(Annex: 2/7/2012-6352/86 art.)** Considering the value of the benefit and the economic situation of the victim, the penalty to be imposed according to the above paragraphs can be reduced by half.

### **Negligence of audit duty**

**ARTICLE 251-** (1) Those who deliberately turn a blind eye to committing the crime of embezzlement or extortion The public official responsible for inspection is held responsible as the joint perpetrator of the crime.

(2) By neglecting the duty of supervision, it is possible to commit the crime of embezzlement or extortion. The public official who provides the service is punished with imprisonment from three months to three years.

### **Bribe**

#### **Article 252- (Amendment: 2/7/2012-6352/87 art.)**

(1) Any person who directly or through intermediaries provides a benefit to a public official or another person to be designated in order to perform or fail to perform a job related to the performance of his duty is sentenced to imprisonment from four years to twelve years.

(2) A public official who provides a benefit directly or through intermediaries to himself or another person he will designate, in order to perform or fail to perform a job related to the performance of his duty, is also punished with the penalty specified in the first paragraph.

(3) In case of agreement on bribery, the crime will be punished as if it had been completed. judged.

(4) In cases where the public official requests a bribe but the person does not accept it, or the person makes an offer or promise to provide benefits to the public official, but this is not accepted by the public official, the penalty to be imposed on the perpetrator according to the provisions of the first and second paragraphs is reduced by half. .

(5) The person who mediates in conveying a bribe offer or request to the other party, establishing a bribery agreement or obtaining bribery, regardless of whether he is a public official or not, is punished as a joint perpetrator.

(6) The third person or the authorized person who accepts the benefit indirectly in the bribery relationship, regardless of whether he is a public official or not, is punished as a joint perpetrator.

(7) The person who receives or requests a bribe or who has reached an agreement on this matter; In the case of an arbitrator, expert, notary public or sworn financial advisor, the penalty to be imposed is increased from one third to one half.

(8) The provisions of this article; a) Professional organizations in the nature of a public institution, b) Professional organizations in the nature of public institutions or organizations or public institutions companies established with the participation of their organizations,

c) Public institutions or organizations or professions in the nature of a public institution foundations operating within their organizations,

d) Associations working in the public interest,

e) Cooperatives,

f) Public joint stock companies,

Providing, offering or promising benefits, directly or through intermediaries, for the purpose of performing or not performing a job related to the performance of their duties, regardless of whether they are public officials or not; requested or accepted by such persons; mediating them; It is also applied in the event that a benefit is provided to another person due to this relationship.

(9) The provisions of this

article; a) Public officials elected or appointed in a foreign state,

b) Judges, jurors or other officials serving in international or supranational courts or courts of foreign states,

c) International or supranational members of parliament, d) For a foreign country, including public institution or public enterprises persons carrying out a public activity,

e) Citizens or foreign arbitrators appointed within the framework of the arbitration procedure applied for the resolution of a legal dispute,

f) To the officials or representatives of international or supranational organizations established on the basis of an international agreement, for the purpose of performing or not performing a job related to the performance of their duties, or obtaining or maintaining a job or an unfair advantage due to international commercial transactions; It is also applied in cases where benefits are obtained, offered or promised directly or through intermediaries, or if they are requested or accepted by them.

(10) The bribery crime within the scope of the ninth paragraph is committed by the foreigner abroad. with processing;

- a) Turkey,
- b) a public institution in Turkey, c) a private law legal entity established in accordance with Turkish laws,
- d) a dispute to which a Turkish citizen is a party or a transaction related to this institution or persons

bribes, offers or promises, if it is committed to do or not; accepting, soliciting, offering or promising a bribe; mediating them; Ex officio investigations and prosecutions are made against persons who are provided with benefits due to bribery, if they are in Turkey.

### **Implementation of security measures against legal entities**

**ARTICLE 253-** (1) An unfair advantage has been gained by committing the crime of bribery. security measures specific to them shall be imposed on legal persons.

### **Active regret**

**ARTICLE 254-** (1) **(Amended: 2/7/2012-6352/88 art.)** In case the bribe recipient delivers the bribe subject to the authorities authorized to investigate, before the situation is learned by the official authorities, he is not punished for the crime of bribery. If a public official who has agreed with someone else to take a bribe informs the authorities about the situation before the official authorities learn about the situation, he will not be punished for this crime.

(2) **(Amendment: 2/7/2012-6352/88 art.)** If the person who gives a bribe or who has come to an agreement with a public official on this matter informs the competent authorities about the situation out of remorse, before the situation is learned by the official authorities, he is not punished for the crime of bribery. .

(3) **(Amended: 2/7/2012-6352/Art. 88)** If the other persons who participated in the crime of bribery inform the competent authorities about the situation with remorse before the situation is learned by the official authorities, they are not punished for this crime.

(4) **(Annex: 26/6/2009 – 5918/4 art.)** The provisions of this article do not apply to persons who bribe foreign public officials.

### **Influence trade<sup>89</sup>**

#### **Article 255- (Amended: 2/7/2012-6352/89 art.)**

(1) Any person who directly or through intermediaries provides a benefit to himself or another person in order to make an attempt to have an unjust act done, on the ground that he has influence over a public official, is sentenced to imprisonment from two years to five years and a judicial fine up to five thousand days. If the person is a public official, the prison sentence to be imposed is increased by half. A person who provides benefits in return for having his job done or with the expectation that he will be done is punished with imprisonment from one year to three years.

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<sup>89</sup> While the title of this article was "Providing benefit for a job for which it is not authorized", it has been changed as it is included in the text with Article 89 of the Law No. 6352 dated 2/7/2012.

(2) Even if an agreement is reached on the provision of benefits, the crime has been completed. as punishment.

(3) In cases where a benefit is requested for the purpose specified in the first paragraph but this is not accepted or an offer or promise of benefit is made, but this is not accepted, the penalty to be imposed according to the first paragraph is reduced by half.

(4) The person who mediates the crime of influence trade is punished as a joint perpetrator with the penalty specified in the first paragraph.

(5) The third real person or the officials who accept the benefit of the legal person indirectly benefited in the influence trading relationship, as a joint perpetrator, are punished with the penalty specified in the first paragraph.

(6) It is an independent crime to attempt to get the job done.  
In such cases, individuals are also punished for this crime.

(7) The provisions of this article are also applied in case of influence trading on the persons listed in the ninth paragraph of Article 252. If they are in Turkey, regardless of whether they are citizens or foreigners, an ex officio investigation and prosecution is carried out.

#### **Exceeding the limit on the authority to use force**

**ARTICLE 256-** (1) In the event that a public official with the authority to use force uses force against persons outside of the extent required by his/her duty, the provisions regarding the crime of willful injury shall apply.

#### **abuse of power<sup>90</sup>**

**ARTICLE 257-** (1) Except for the cases defined as a crime in the law, a public official who, by acting contrary to the requirements of his duty, causes the victimization of individuals or harms the public or provides an unfair advantage to individuals, is sentenced to imprisonment from six months to two years.

(2) Except for the cases defined as a crime in the law, a public official who, by negligence or delay in performing the requirements of his duty, causes the victimization of individuals or harms the public, or provides an unfair advantage to individuals, is sentenced to imprisonment from three months to one year.

(3) **(Repealed: 2/7/2012-6352/105 art.)**

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<sup>90</sup> With the 1st article of the Law No. 6086 dated 8/12/2010, the phrase "profit" in the first and second paragraphs of this article is "benefit", the phrase "from one year to three years" in the first paragraph is "from six months to two years", The phrase "from six months to two years" in the second paragraph was changed to "from three months to one year" and the phrase "according to the provision of the first paragraph" in the third paragraph was changed to "with a prison sentence of one to three years and a judicial fine of up to five thousand days". processed into the text.

#### **Disclosure of the secret of the task**

**ARTICLE 258-** (1) A public official who discloses or publishes documents, decisions, orders and other notifications given to him due to his duty or for the same reason, which must be kept confidential, or who facilitates the obtaining of information by others by any means, is sentenced to imprisonment from one year to four years. .

(2) The person who commits the acts written in the first paragraph after his/her status as a public official ends, is also given the same punishment.

#### **Public servant trade**

**ARTICLE 259-** (1) A public official who tries to sell goods or services to another person by taking advantage of the influence provided by his/her job is sentenced to imprisonment of up to six months or a judicial fine.

#### **Resignation or non-performance of public service**

**ARTICLE 260-** (1) Any public official who unlawfully and collectively abandons his duties, does not come to his duties, does not perform his duties partially or completely, albeit temporarily, or slows down, is sentenced to imprisonment from three months to one year.

No penalty shall be imposed if the number of public officials is not more than three.

(2) Regarding the professional and social rights of public officials, if they stop or slow down their work temporarily and for a short time without disrupting the service, the penalty to be imposed may be reduced or the penalty may not be imposed.

#### **Unlawful disposition on people's property**

**ARTICLE 261-** (1) A public official who forcibly disposes of the movable or immovable properties of persons, even by paying a compensation, knowing that it is contrary to the conditions set forth in the relevant laws, shall be sentenced to imprisonment from six months to two years, unless the act constitutes a crime requiring a heavier penalty. punished with

#### **Unlawful assuming of public office**

**ARTICLE 262-** (1) A person who attempts to fulfill a public duty in violation of laws and regulations or continues his duty even though he has been notified of the resignation order, is sentenced to imprisonment from three months to two years.

#### **illegal educational institution**

**Article 263 – (Abolished – 17/4/2013-6460/13 art.)**

#### **Irregular use of special signs and clothing**

**ARTICLE 264-** (1) Anyone who wears the official dress of a rank or public office or profession, without authorization, in a way that deceives others, or who wears medals or medals without the right, is sentenced to imprisonment from three months to one year.

(2) If a crime is committed by taking advantage of the facilities and facilities provided by the dress, the penalties specified in the above subsection shall be increased by one third only for this act.

#### **Resisting not getting the job done**

**Article 265-** (1) In order to prevent the public official from performing his duty,  
The person who uses force or threat is punished with imprisonment from six months to three years.

(2) In case the offense is committed against persons performing judicial duties, a sentence of imprisonment from two to four years is imposed.

(3) The offense is committed by making the person unrecognizable or more than once.  
If committed by the person together, the penalty to be imposed is increased by one third.

(4) In case the crime is committed with a weapon or by using the intimidating force created by existing or presumed criminal organizations, the penalty to be imposed according to the above subsections is increased by half.

(5) In case of aggravated situations due to the result of the crime of willful injury during the commission of this crime, the provisions regarding the crime of willful injury are also applied.

#### **Using tools and equipment belonging to public service in crime**

**ARTICLE 266-** (1) The penalty to be imposed on a public official who uses the tools and equipment he has in his possession during the commission of a crime is increased by one third if the title of public official is not taken into account in the definition of the relevant crime.

### **SECOND PART**

#### **Offenses Against the Courthouse**

##### **Slander**

**ARTICLE 267-** (1) A person who accuses a person of an unlawful act in order to initiate an investigation and prosecution or to impose an administrative sanction, even though he knows that he has not committed it, by declaring or making a complaint to the competent authorities or by means of the press and broadcasting. punishable by imprisonment.

(2) In case of slander by fabricating the material works and evidence of the act, the penalty is half.  
rate is increased.

(3) If a protective measure other than detention and detention is applied to the detriment of the victim, for whom a verdict of acquittal or non-prosecution has been made because he did not commit the charged act, the penalty to be imposed according to the above paragraphs is increased by half.

(4) In the event that the victim, for whom a verdict of acquittal or non-prosecution has been rendered for not committing the charged act, is detained or arrested due to this act; The slanderer is also held liable as an indirect perpetrator according to the provisions regarding the crime of deprivation of liberty.

(5) Conviction of the victim to aggravated life imprisonment or life imprisonment in case of imprisonment from twenty to thirty years; (...)91 is sentenced.(91)

(6) If the execution of the prison sentence to which the victim is convicted has begun, the penalty to be imposed according to the fifth paragraph is increased by half.

(7) **(Annulled: Constitutional Court dated 17/11/2011 and E.: 2010/115, K.: 2011/154**

**With the Decision No. 92**

(8) The statute of limitations for the crime of slander starts from the date when it is proven that the victim did not commit the act.

(9) The verdict of conviction for the crime of slander committed through the press and broadcasting is announced by the same or equivalent press and media. Advertisement costs are collected from the convict.

**Using someone else's identity or identity information**

**ARTICLE 268-** (1) Anyone who uses someone else's identity or identity information in order to prevent investigations and prosecutions against him for the crime he has committed is punished in accordance with the provisions regarding the crime of slander.93

**Active regret**

**ARTICLE 269-** (1) In case the slanderer relinquishes his slander before the judicial or administrative investigation begins against the victim, four-fifths of the penalty to be imposed on him for slander is reduced.

(2) In case of refusal from slander before the prosecution begins against the victim, slander  
Three quarters of the penalty to be imposed for the crime is reduced.

(3) Your active regret;

a) Two-thirds of the penalty to be imposed on the victim, if it occurs before the verdict,

b) Half of the penalty to be imposed, if it occurs after the victim's conviction,

c) In case the execution of the sentenced sentence is started, one third of the sentence to be imposed,  
Downloadable.

(4) Due to the act that is the subject of the slander, which requires the application of an administrative sanction;

a) In case of effective repentance before the administrative sanction is decided,  
half of the penalty,

b) One third of the penalty to be imposed, in case of effective repentance after the administrative sanction is applied,  
downloadable.

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<sup>91</sup> The part of this paragraph "...in case of being sentenced to a term of imprisonment, up to two-thirds of the sentence sentenced..." was annulled with the Decision of the Constitutional Court dated 10/4/2013 and numbered E.: 2013/14, K.: 2013/56. has been done.

<sup>92</sup> One year after the decision was published in the Official Gazette on 17/3/2012.  
entered into force.

<sup>93</sup> The phrase "to this person" in this paragraph has been changed to "to someone else" as per Article 30 of the Law No. 5377 dated 29/6/2005 and included in the text.



(5) **(Amendment: 29/6/2005 – 5377/31st art.)** In order to benefit from effective repentance provisions due to slander made through the press and publication, it must be published with the same method.

#### **committing a crime**

**ARTICLE 270-** (1) Anyone who falsely informs the authorities that he has committed or participated in a crime is sentenced to imprisonment of up to two years. In case this crime is committed in order to save the superior, subordinate, spouse or brother from punishment; Three quarters of the penalty to be imposed can be reduced or completely lifted.

#### **fabrication of crime**

**ARTICLE 271-** (1) Anyone who reports a crime that he knows has not been committed to the authorities as if it has been committed, or fabricates the evidence or signs of a crime that has not been committed in a way that will enable an investigation to be carried out, is sentenced to imprisonment of up to three years.

#### **false testimony**

**ARTICLE 272-** (1) Any person who falsely testifies before the committee or the person authorized to hear a witness within the scope of an investigation initiated due to an unlawful act is sentenced to imprisonment from four months to one year.

(2) A person who falsely testifies before the court or before a person or committee authorized by law to hear witnesses by taking an oath is sentenced to imprisonment from one year to three years. penalty is given.

(3) A person who gives false testimony within the scope of an investigation or prosecution of an offense punishable by imprisonment for more than three years is sentenced to imprisonment from two years to four years. judged.

(4) If a measure of protection other than detention and detention is applied to the person against whom there is a witness statement, the penalty to be imposed according to the above subsections is increased by half, provided that he is acquitted or decided not to prosecute because he did not commit the charged act.

(5) In the event that the person testifying against is detained or arrested; provided that a verdict of acquittal or non-prosecution has been given for not committing the charged act; The person who gives false testimony is also held responsible as an indirect perpetrator according to the provisions regarding the crime of deprivation of liberty.

(6) In case the person who testifies against is sentenced to aggravated life imprisonment or life imprisonment, to imprisonment from twenty years to thirty years; (...)94 is convicted.(94)

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<sup>94</sup> *With the Decision of the Constitutional Court dated 14/1/2015 and numbered E:2014/116, K:2015/4, the phrase "...to two-thirds of the sentenced sentence in case of being sentenced to a term of imprisonment..." in this paragraph was annulled. and the said Decision entered into force six months after it was published in the Official Gazette on 29/4/2015.*

(7) If the execution of the prison sentence against which the person testified has been started, the punishment to be imposed according to the sixth paragraph is increased by half.

(8) If a judicial or administrative sanction other than imprisonment has been imposed on the person against whom the witness has been given; The person who gives false testimony is punished with imprisonment from three to seven years.

### **Reasons for personal impunity or commutation**

**Article 273-** (1) The person;

a) He or his parent, descendant, spouse or sibling are not subject to investigation and prosecution. giving false testimony about a matter that may cause him to suffer,

b) Although he has the right to abstain from testifying, he testifies falsely without being reminded of this right,

In this case, the penalty to be imposed can be reduced or the penalty can be waived.

(2) The provision of the first paragraph, perjury made within the scope of private law disputes cases are not applicable.

### **Active regret**

**ARTICLE 274-** (1) No penalty shall be imposed in case the truth is told before a judgment is rendered or the judgment is rendered in a way that will result in a restriction or deprivation of rights against the person testified against.

(2) If the truth is told about the person who is testified against, after a decision that will result in a restriction or deprivation of rights, but before the verdict, two-thirds to half of the sentence to be imposed may be reduced.

(3) If the truth is told before the conviction decision against the person testified against is finalized, half to one third of the sentence to be imposed may be reduced.

### **false oath**

**ARTICLE 275-** (1) The plaintiff or the defendant who swears falsely in civil cases is sentenced to imprisonment from one year to five years.

(2) If the truth is told before the judgment is rendered about the case, no penalty shall be imposed.

(3) Telling the truth before the execution or finalization of the judgment

In such case, half of the penalty to be imposed will be reduced.

### **False expertise or interpreting<sup>95</sup>**

**ARTICLE 276-** (1) In case of an untrue opinion by the judicial authorities or the person or the expert appointed by the board, who is legally authorized to conduct investigations or to listen to witnesses under oath, the offender is sentenced to imprisonment from three years to seven years.

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<sup>95</sup> With Article 41 of the Law No. 6754 dated 3/11/2016, the phrase "from one year to three years" in the first paragraph of this article has been changed to "from three years to seven years".

(2) Expression of the translator appointed by the persons or boards specified in the first paragraph or falsely translates the documents, the provision of the first paragraph shall apply.

#### **Attempting to influence a judge, expert or witness<sup>96</sup>**

##### **Article 277- (Amended: 2/7/2012-6352/90 art.)**

(1) In an pending case (...) <sup>97</sup>, one of the parties to the case, (...) <sup>(97)</sup> makes a decision or establishes a transaction that will have consequences in favor or against the accused, the participant or the victim, in order to prevent the emergence of the truth or to create an injustice, or Any person who attempts to unlawfully influence a judicial officer, expert or witness to make a statement in a court of law is punished with imprisonment from two to four years.

**(Additional sentence: 18/6/2014-6545/69 art.)** If the attempt does not exceed the degree of favor, the penalty to be imposed is from six months to two years. <sup>(97)</sup>

(2) If the act constituting the crime in the first paragraph also constitutes another crime,  
The penalty to be imposed according to the provisions of the meeting is increased by half.

#### **Not reporting the crime**

##### **Article 278- (Annulled: Constitutional Court dated 30/6/2011 and E.:2010/52,**

##### **K.: With the Decision No. 2011/113.; Amended: 2/7/2012-6352/91 art.)**

(1) A person who does not report a crime to the competent authorities is sentenced to imprisonment for up to one year. punished with a fine.

(2) A person who does not notify the competent authorities of a crime that has been committed but whose consequences are still possible to be limited, shall be punished in accordance with the provisions of the above paragraph.

(3) If the victim is a child who has not completed the age of fifteen, is physically or mentally disabled, or is unable to defend himself due to pregnancy, the punishment to be imposed according to the above paragraphs is increased by half. <sup>98</sup>

(4) No penalty shall be imposed for persons who may hesitate to testify. However, the provisions regarding criminal liability are reserved due to the existence of the obligation to prevent crime.

#### **Failure of a public official to report the crime**

**ARTICLE 279-** (1) A public official who learns in connection with his duty that a crime requiring investigation and prosecution has been committed on behalf of the public, and neglects to notify the competent authorities or delays in this regard, is sentenced to imprisonment from six months to two years. punished with a fine.

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<sup>96</sup> While the title of this article was "Influencing the Judiciary", it was changed as it was written in the text with Article 90 of the Law No. 6352 dated 2/7/2012.

<sup>97</sup> With the 69th article of the Law No. 6545 dated 18/6/2014, in this paragraph "or is being done"

In an investigation that is carried out," and "suspicious or" phrases have been removed from the text of the article.

<sup>98</sup> With the 1st article of the Law No. 6462 dated 25/4/2013, the phrase "handicapped" in this paragraph Changed to "disabled".

(2) If the offense is committed by the person performing the judicial law enforcement duty, the above

The penalty to be imposed according to the paragraph is increased by half.

#### **Failure of healthcare professionals to report crime**

**ARTICLE 280-** (1) A healthcare professional who does not report the situation to the competent authorities or shows delay in this matter despite encountering an indication that a crime has been committed while performing his duty, is sentenced to up to one year in prison.

(2) The term healthcare professional includes physicians, dentists, pharmacists, midwives, nurses and other health care providers.

#### **Destroying, concealing or altering criminal evidence**

**ARTICLE 281-** (1) Any person who destroys, deletes, conceals, changes or corrupts the evidence of a crime in order to prevent the truth from being revealed is sentenced to imprisonment from six months to five years. The person cannot be punished in accordance with the provisions of this paragraph regarding the crime he/she has committed or participated in.

(2) If this crime is committed by a public official in connection with his/her duty,  
The penalty to be imposed is increased by half.

(3) Four-fifths of the penalty to be imposed for the offense defined in this article is reduced for the person who delivers the concealed evidence to the court before the verdict is given due to the crime he is related to.

#### **laundering property values resulting from crime<sup>99</sup>**

**ARTICLE 282-** (1) **(Amended: 26/6/2009 – 5918/5 art.)** To conceal the illicit source of the assets that result from a crime, the lower limit of which requires six months or more imprisonment, or to obtain them in a legitimate way. The person who is subjected to various procedures in order to create an opinion that he has been wronged is punished with imprisonment from three to seven years and a judicial fine up to twenty thousand days.

(2) **(Annex: 26/6/2009 – 5918/5 art.)** A person who buys, accepts, possesses or uses the value of the assets constituting the subject of this crime, without participating in the commission of the crime in the first paragraph, from two to five years punishable by imprisonment.<sup>(99)</sup>

(3) This crime is committed by a public official or a certain professional.  
if committed during the performance of the profession, the prison sentence to be imposed is increased by half.

(4) Within the framework of the activity of an organization formed to commit a crime, this crime committed, the penalty to be imposed is increased by one fold.

(5) Security specific to legal persons due to the commission of this crime measures are taken.

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<sup>99</sup> With the 5th article of the Law dated 26/6/2009 and numbered 5918, the second paragraph was added after the first paragraph and the other paragraphs were continued accordingly.

(6) The person who ensures the seizure of the assets subject to the crime or facilitates their seizure by informing the competent authorities before the prosecution starts due to this crime, shall not be sentenced for the crime defined in this article.

**do not favor the criminal**

**ARTICLE 283-** (1) Any person who provides an opportunity for a person who has committed a crime to be investigated, caught, arrested, or escaped from execution of the sentence is punished with imprisonment from six months to five years. punished.

(2) If this crime is committed by a public official in connection with his/her duty,  
The penalty to be imposed is increased by half.

(3) If this crime is committed by a superior, descendant, spouse, sibling or other accomplice, no penalty shall be imposed.

**Failure to report arrestees, convicts or criminal evidence**

**ARTICLE 284-** (1) Anyone who does not notify the competent authorities, despite knowing the whereabouts of a convicted person or for whom a warrant of arrest has been issued, is sentenced to imprisonment for up to one year. punished with

(2) The place where evidence and artifacts related to a crime that has been committed are kept by others  
A person who does not notify the competent authorities although he knows, is punished according to the provision of the above paragraph.

(3) If these crimes are committed by a public official in connection with his/her duty,  
The penalty to be imposed is increased by half.

(4) If these crimes are committed by a superior, descendant, spouse or sibling, no penalty shall be imposed.

**breach of privacy**

**Article 285- (1) (Amended: 2/7/2012-6352/92 art.)**

(1) The person who publicly violates the confidentiality of the investigation is sentenced to imprisonment from one year to three years, or punishable by a fine. In order for this crime to occur;

a) Violation of the right to benefit from the presumption of not being guilty or the confidentiality of communication or private life by explaining the content of the transaction carried out during the investigation phase,

b) The statement made regarding the content of the transaction made during the investigation phase.  
it is convenient to prevent the emergence of material truth,  
must.

(2) A person who violates the confidentiality of the decisions taken during the investigation phase and which should be kept confidential against the persons involved in the investigation and the actions taken as a requirement of these, is punished with imprisonment from one year to three years or a judicial fine.

(3) A person who publicly violates the confidentiality of the explanations or images in the hearing, which is required or decided to be held closed according to the law, is punished in accordance with the provision of the first paragraph. However, in order for this crime to occur, publicity is not required in terms of violation of the confidentiality decision taken regarding the protection of the witness.

(4) The duties defined in the above paragraphs are carried out by the public official.  
If it is committed by taking advantage of the convenience it provides, the penalty is increased up to half.

(5) If images of people are published in a way that causes them to be perceived as criminals during the investigation and prosecution phase, they are sentenced to imprisonment from six months to two years. judged.

(6) It does not constitute a crime to be the subject of news without exceeding the limits of reporting the investigation and prosecution procedures.

### **Recording of sound or images**

**Article 286-** (1) Sounds or images during investigation and prosecution procedures

The person who records or transmits it without authorization is punished with imprisonment up to six months.

### **genital examination**

**ARTICLE 287-** (1) The perpetrator who sends the person for genital examination without the decision of the authorized judge and prosecutor or who carries out this examination is sentenced to imprisonment from three months to one year. judged.

(2) The provision of the above paragraph is not applicable for the examinations carried out in accordance with the provisions stipulated in the laws and regulations in order to protect public health due to communicable diseases.<sup>100</sup>

### **Attempting to influence the fair trial Article**

**288- (Amended: 2/7/2012-6352/93 art.)**

(1) A person who makes an oral or written statement, in order to unlawfully influence a judicial officer, expert or witness, in order to make an unlawful decision or establish a transaction or to make an untrue statement in a lawsuit pending or an investigation underway. shall be punished with a judicial fine of not less than fifty days.

### **Abuse of guard duty**

**ARTICLE 289-** (1) Any person who disposes of the pledged or confiscated property, which has been officially surrendered to him for preservation, other than for the purpose of delivery, is sentenced to imprisonment from three months to two years and a judicial fine up to three thousand days. If the person owns this property, the penalty to be imposed is reduced by half.

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one hundred With Article 156 of the Decree Law No. 700 dated 2/7/2018, in the "regulations" in this paragraph  
The wording has been changed to "in the regulations".

(2) Four-fifths of the penalties to be imposed on the person who returns the property, which is the subject of the crime defined in the first paragraph, before the start of the prosecution or, if this is not possible, pays the price, is reduced.

(3) The person who causes the loss or deterioration of the pledged or confiscated property, which has been officially delivered to him for preservation, due to his breach of the duty of care and attention, is punished with a judicial fine.

(4) Any person who misuses the confiscated property within the scope of an investigation or prosecution regarding a crime, is punished with imprisonment up to one year.

#### **Confiscation and deterioration of officially delivered goods**

**ARTICLE 290-** (1) The immovable properties that have been handed over to the rightful owners

The person who confiscates it is sentenced to imprisonment from three months to one year.

(2) If the movable property, which has been officially surrendered to someone else for preservation, is pledged or seized or confiscated for any reason, without the consent of that person, the provisions regarding theft, looting if it is taken by force, fraud if it is taken fraudulently, and damage to the property if it is destroyed shall apply. . If the person owns this property, the penalty to be imposed is reduced from half to three-quarters.

#### **Entering a penitentiary or detention facility on behalf of someone else**

**ARTICLE 291-** (1) Imprisonment by putting himself in the place of a convict or detainee

Anyone who enters an institution or detention center is sentenced to imprisonment from six months to two years.

#### **Escape of the convict or detainee**

**ARTICLE 292-** (1) The prisoner or convict who escapes from the detention house, penitentiary institution or the officers under his supervision is sentenced to imprisonment from six months to one year.

(2) If this crime is committed by using force or threat, a sentence of imprisonment from one year to three years is imposed.

(3) This crime is committed by armed or multiple detainees or convicts together.  
the penalty to be imposed according to the above paragraphs is increased by one fold.

(4) During the commission of this crime, in case of aggravated situations due to the result of the crime of willful injury or the crime of willful killing or damage to the property, additional punishment is imposed in accordance with the provisions regarding these crimes.

(5) The provisions written in this article are applicable to convicts working outside the penitentiary institution. It is also applied to those whose prison sentence has been commuted from a judicial fine.

(6) **(Repealed: 29/6/2005 – 5377/33 art.)**

### **Active regret**

**ARTICLE 293-** (1) If (...)101 detainees or convicts surrender spontaneously after escaping, showing effective remorse, the penalty to be imposed is reduced from five-sixths to one-sixth, taking into account the time elapsed from the day they escaped to the day of the surrender. However, if the escape period exceeds six months, the penalty is not reduced. (101)

### **Allowing to escape**

**ARTICLE 294-** (1) The person who makes the detainee or detainee escape is punished with imprisonment from one year to three years.

(2) The person who allows the convict to escape, according to the duration of the prison sentence to be served. punishable with imprisonment from two to five years. However, the sentence of the convict;

- a) Life imprisonment, from five years to eight years,
- b) Aggravated life imprisonment, from eight years to twelve years,

He is sentenced to imprisonment until

(3) If these offenses are committed using force or threat, the penalty to be imposed is three is increased by one.

(4) In case of more than one escaped person, the penalty to be imposed is increased from one third to one fold, taking this number into consideration.

(5) Containment or transfer of the detained, detainee or convicted of these crimes  
The penalty to be imposed is increased by one third if it is committed by authorized persons.

(6) If these offenses are committed by an ancestor, descendant, spouse or sibling, the penalty to be imposed is reduced by one third.

(7) During the commission of these crimes, in case of aggravated situations due to the result of the crime of willful injury or the crime of willful killing or damage to the property, additional punishment is imposed in accordance with the provisions regarding these crimes.

(8) In case the detained, detainee or convict escapes by taking advantage of the care and care obligation of the person responsible for his custody or transfer, he is sentenced to imprisonment from six months to three years.

### **Misconduct by the guard**

**ARTICLE 295-** (1) In case the persons responsible for the custody or transfer of detainees, detainees or convicts act contrary to the requirements of their duties, the provisions regarding the offense of misconduct shall apply.

(2) If the person in charge of his/her custody or transfer permits the detained, detainee or convict to be temporarily removed from the place where he/she is, contrary to the requirements of his/her duty; shall be punished with imprisonment from six months to two years.

(3) The escape of the detained, detained or convicted person by taking advantage of this opportunity  
In this case, the provisions regarding the crime of deliberately enabling to escape shall be applied.

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<sup>101</sup> In the meantime, the phrase "detained" is used in Article 34 of the Law No. 5377 dated 29/6/2005. was removed from the text of the article.



### **Revolt of convicts or detainees**

**ARTICLE 296-** (1) In case of a collective revolt of convicts or detainees, each of them is sentenced to imprisonment from six months to three years. If the number of convicts or detainees is not more than three, no penalty is imposed for this crime.

(2) If other crimes are committed during the uprising, punished according to the provisions.

### **Bringing prohibited items to the penitentiary institution or prison**

**ARTICLE 297-** (1) Any person who smuggles or possesses weapons, narcotic or stimulant substances or electronic means of communication in the penitentiary institution or prison is sentenced to imprisonment from two years to five years. If the acquisition or possession of the goods that constitute the subject of this crime constitutes a separate crime; The penalty to be determined according to the provisions of the intellectual meeting is increased by half.

(2) **(Annulled: With the Decision of the Constitutional Court dated 7/7/2011 and numbered E.:2010/69, K.:2011/116; Re-arrangement: 24/11/2016-6763/20 art.)** First paragraph out of scope;

- a) All kinds of tools and materials that facilitate escape,
  - b) All kinds of attack and defense tools and materials used to cause fire, c) All kinds of beverages containing alcohol,
  - d) Goods and materials that allow gambling,
  - e) Without prejudice to the crimes defined in Article 188, drugs subject to green prescription,
  - f) Publications, posters, banners, pictures, symbols, signs, documents and similar materials and organizational communication tools that are prohibited by the courts or that represent criminal organizations, excluding those taken for examination by the institution's administration,
  - g) Vehicles for receiving audio and video, except those permitted by the competent authorities,
- a person who puts in a penitentiary institution, keeps or uses it punishable with imprisonment from one to three years.

(3) Convicts or detainees of crimes defined in paragraphs one and two  
If it is committed by the persons responsible for its custody, the penalty to be imposed is increased by one fold.

(4) If the convict or detainee who has or uses the property that is the subject of the crimes defined in the first and second paragraphs gives information as to from whom and how he obtained it, the penalty to be imposed is reduced by half.

### **Preventing the exercise of rights and feeding**

**ARTICLE 298-** (1) Convicts and detainees in penitentiary institutions and detention houses are allowed to communicate, meet with visitors, participate in education and sports, vocational training, workplace activities and other social and cultural activities within the framework of improvement and training programs, be examined and treated by the institution's physician, defender or to appoint or consult with lawyers, to the courts or to the Republic

Those who prevent them from going to the Chief Public Prosecutor's Office, meeting with the officials of the institution, and those who are released from leaving the institution, encouraging the convicts and detainees to commit these acts, giving instructions on this path, preventing all kinds of meeting and contact opportunities that the legislation allows for convicts and detainees, from one year to three years. are punishable by imprisonment.

(2) Those who prevent the feeding of convicts and detainees are sentenced to imprisonment from two years to four years. Encouraging or persuading convicts or detainees to go on a hunger strike or death fast, or instructing them to do so, is also considered to be prevented from feeding.

(3) If one of the aggravated situations or death has occurred due to the consequence of the crime of intentional injury due to the prevention of feeding, the penalty shall also be imposed in accordance with the provisions regarding the crimes of willful injury or willful killing.

### **THIRD PART**

#### **Offenses Against the Sovereignty of the State and the Dignity of Its Organs insulting the president**

**Article 299-** (1) A person who insults the President is imprisoned from one year to four years. punished with a fine.

(2) **(Amendment: 29/6/2005 – 5377/35th art. )**

The penalty is increased by one sixth.

(3) Prosecution for this offense is subject to the permission of the Minister of Justice.

#### **Insulting the signs of state sovereignty**

**ARTICLE 300-** (1) Any person who publicly insults the Turkish Flag by tearing, burning or otherwise, is sentenced to imprisonment from one year to three years. This provision shall apply to all kinds of signs that bear the characteristics of a red flag with a white crescent and a star specified in the Constitution and used as a symbol of sovereignty of the State of the Republic of Turkey.

(2) Anyone who publicly insults the National Anthem is sentenced to imprisonment from six months to two years.

(3) If the crimes defined in this article are committed by a Turkish citizen in a foreign country, the penalty to be imposed is increased by one third.

#### **Insulting the Turkish Nation, the State of the Republic of Turkey, the institutions and organs of the State<sup>102</sup>**

**Article 301- (Amended: 30/4/2008-5759/1 art.)**

(1) Any person who publicly insults the Turkish Nation, the State of the Republic of Turkey, the Grand National Assembly of Turkey, the Government of the Republic of Turkey and the judicial organs of the State, is sentenced to imprisonment from six months to two years.

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<sup>102</sup> With the 1st article of the Law No. 5759 dated 30/4/2008, the title of this article is "Turkishness, Republic of Turkey, "insulting the institutions and organs of the State" has been changed as it is written in the text.

(2) A person who publicly insults the military or security organization of the state is punished in accordance with the provisions of the first paragraph.

(3) Expressions of thought made for the purpose of criticism do not constitute a crime.

(4) Investigation for this crime is subject to the permission of the Minister of Justice.

## **CHAPTER FOUR**

### **Offenses Against State Security**

#### **Disrupting the unity of the state and the integrity of the country**

**ARTICLE 302-** (1) **(Amendment: 29/6/2005 – 5377/36 art.)** To put all or part of the State lands under the sovereignty of a foreign state or to weaken the independence of the State or to disrupt its unity, or to deprive a part of the territory under the sovereignty of the State from the State administration. The person who commits an act aimed at separating is punished with aggravated life imprisonment.

(2) If other crimes are committed during the commission of this crime, shall be punished in accordance with the relevant provisions.

(3) Regarding legal persons due to the commission of the crimes defined in this article security measures specific to them shall be imposed.

#### **Collaborating with the enemy**

**ARTICLE 303-** (1) A citizen who accepts service in the army of the state that is at war with the Republic of Turkey, and engages in an armed struggle against the Republic of Turkey on the side of the enemy state, is sentenced to life imprisonment.

(2) A citizen who assumes any command position in the army of the enemy state, punishable by aggravated life imprisonment.

(3) During the commission of the crimes defined in the first and second paragraphs, other crimes If it is committed, a penalty will be imposed in accordance with the relevant provisions for these crimes.

(4) Being on the territory of the enemy state during wartime and being in the army of that state No penalty shall be imposed on the citizen who has to be put into service.

#### **incitement to war against the state**

**ARTICLE 304-** (1) Any person who provokes foreign state officials to wage war or take hostile actions against the Republic of Turkey or cooperates with foreign state officials for this purpose is sentenced to imprisonment from ten to twenty years. **(Repealed second sentence: 29/6/2005 – 5377/37 art.)**

(2) In the application of this article, direct or indirect support of organizations formed to commit crimes against the security of the State of the Republic of Turkey, hostile is considered a move.

(3) Due to the commission of the crime defined in this article, security measures specific to legal persons shall be imposed on them.

### **Benefit to act against fundamental national interests<sup>103</sup>**

**ARTICLE 305-** (1) **(Amended paragraph: 29/6/2005 – 5377/38 art.)** To a citizen who directly or indirectly provides material benefit for himself or another from a foreign person or organization with the purpose of committing acts against fundamental national interests or for this reason, or a foreigner in Turkey is sentenced to imprisonment from three years to ten years and a judicial fine up to ten thousand days. The same penalty is imposed on the person who provides or promises benefit.

(2) **(Amended paragraph: 29/6/2005 – 5377/38 art.)** The act was committed during the war  
In this case, the penalty to be imposed is increased by half.

(3) If the crime is committed out of war, prosecution for this reason is subject to the permission of the Minister of Justice.

(4) From the phrase "basic national interests"; independence, territorial integrity, national security and the basic characteristics of the Republic specified in the Constitution are understood.

### **Recruiting troops against a foreign state**

**ARTICLE 306-** (1) Anyone who recruits troops or engages in other hostile acts against a foreign state without authorization, in a way that exposes the Turkish State to the danger of war, is sentenced to imprisonment from five to twelve years.

(2) If war occurs as a result of the act, the perpetrator is sentenced to life imprisonment.

(3) If the act is of such a nature as to only disrupt the political relations with the foreign state or put the Turkish state or Turkish citizens at risk of retaliation, the perpetrator is sentenced to imprisonment from two to eight years.

(4) Three years to ten years in prison if the political relationship is terminated or retaliation occurs.  
will be sentenced.

(5) The prosecution of the crime in this article is subject to the permission of the Minister of Justice.

(6) The provisions of this article do not apply to the acts of resistance for self-defense against foreign state forces occupying all or part of the territory of the country in case of actual war.

### **Agreement in favor of destruction of military facilities and enemy military movements**

**ARTICLE 307-** (1) The land, sea and air transportation vehicles, roads, establishments, warehouses and other military facilities belonging to the armed forces of the State or put into service, even if they are not yet completed, partially or completely destroying or temporarily Anyone who renders it unusable, even in prison, is sentenced to imprisonment from six to twelve years.  
penalty is given.

(2) Your crime;

a) It has been committed for the benefit of a state at war with Turkey,

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<sup>103</sup> While the title of this article was "Act against fundamental national interests", it was changed to "Providing benefits in order to act against fundamental national interests" with Article 38 of the Law No. 5377 dated 29/6/2005 and included in the text.

b) The state's war preparations or war might and ability or military actions.

to endanger,

case, aggravated life imprisonment shall be imposed.

(3) If the destruction or rendering becomes unusable as a result of the negligence of the person who possesses the building, facility or property mentioned in the first paragraph or who is obliged to protect and watch, or if the crime is facilitated for this reason, that person is sentenced to imprisonment from one year to five years.

(4) A person who makes an agreement with a foreigner in order to facilitate the military movements of the enemy or to harm the military movements of the Turkish State, at the expense of the Turkish State, or who commits acts aimed at bringing about the same results even if there is no agreement, is sentenced to imprisonment from ten to fifteen years.

(5) If, as a result of the act defined in the fourth paragraph, the military movements of the enemy are actually facilitated or the military movements of the Turkish State are damaged, the perpetrator is sentenced to aggravated life imprisonment.

(6) The same applies to the foreigner who has come to an agreement with the person who committed the crimes written in paragraphs four and five. penalty is given.

(7) The provisions of this article shall also apply if the acts written in the above paragraphs are committed in Turkey to the detriment of the state which is an alliance or participation in war with the Turkish State.

#### **Material and financial aid to the enemy state**

**ARTICLE 308-** (1) A citizen who gives, directly or indirectly, all kinds of goods that could be used against the State of the Republic of Turkey in war, to a state with which the Republic of Turkey is at war, reciprocally or gratuitously, directly or indirectly, is sentenced to imprisonment from five years to fifteen years. This provision also applies to foreigners residing in Turkey.

(2) The same penalty shall be imposed on a citizen or a foreigner residing in Turkey who participates in borrowings or payments made for the benefit of the enemy state during wartime or facilitates the transactions related to them.

(3) Even if the war started before the war, except for the cases stated in the first paragraph, the citizen who directly or indirectly trades with the enemy state citizen or other people residing in the enemy state's territory to the detriment of the Turkish State or in a way that will have a positive effect on the war power of the enemy state or Turkey. A foreigner residing in Turkey is sentenced to imprisonment from two to five years and a judicial fine of up to ten thousand days.

(4) The acts written in the paragraphs above have been committed to an alliance with the enemy state for war. The provisions of this article are also applied in case it is processed for the benefit of the participating state.

## **CHAPTER FIVE**

### **Offenses Against the Constitutional Order and Its Functioning**

#### **violate the constitution**

**ARTICLE 309-** (1) Those who attempt to abolish the order stipulated by the Constitution of the Republic of Turkey or to replace this order or to prevent the actual implementation of this order by using force and violence are sentenced to aggravated life imprisonment.

(2) If other crimes are committed during the commission of this crime, shall be punished in accordance with the relevant provisions.

(3) Regarding legal persons due to the commission of the crimes defined in this article security measures specific to them shall be imposed.

#### **Assassination and actual attack on the President**

**ARTICLE 310-** (1) Any person who assassinates the President is sentenced to aggravated life imprisonment. If this act is attempted, the penalty is imposed as if the crime was completed.

(2) A person who commits other actual attacks against the President of the Republic shall be sentenced by increasing the penalty for the relevant offense by half. However, the penalty to be imposed in this way cannot be less than five years.

#### **crime against the legislature**

**ARTICLE 311-** (1) Those who attempt to abolish the Turkish Grand National Assembly by using force and violence or to prevent the Turkish Grand National Assembly from performing its duties in whole or in part are sentenced to aggravated life imprisonment.

(2) If other crimes are committed during the commission of this crime, shall be punished in accordance with the relevant provisions.

#### **crime against government**

**ARTICLE 312-** (1) Anyone who attempts to overthrow the Government of the Republic of Turkey or to prevent it from performing its duties partially or completely by using force and violence is sentenced to aggravated life imprisonment.

(2) If other crimes are committed during the commission of this crime, shall be punished in accordance with the relevant provisions.

#### **Armed revolt against the Government of the Republic of Turkey**

**ARTICLE 313-** (1) Anyone who incites the people to an armed revolt against the Government of the Republic of Turkey is sentenced to imprisonment from fifteen years to twenty years. When the revolt takes place, the person who provokes it is sentenced to imprisonment from twenty to twenty-five years.

(2) A person who leads an armed revolt against the Government of the Republic of Turkey is sentenced to aggravated life imprisonment. Other persons participating in the revolt are sentenced to imprisonment from six to ten years.

(3) If the crimes defined in the first and second paragraphs are committed by taking advantage of the convenience provided by the state's state at war, aggravated life imprisonment is imposed.

(4) During the commission of the crimes defined in the first and second paragraphs, other crimes  
If it is committed, a penalty will be imposed in accordance with the relevant provisions for these crimes.

#### **armed organization**

**ARTICLE 314-** (1) Any person who establishes or manages an armed organization in order to commit the crimes in the fourth and fifth sections of this section is sentenced to imprisonment from ten to fifteen years.

(2) Those who are members of the organization defined in the first paragraph are sentenced to imprisonment from five years to ten years. penalty is given.

(3) The other provisions regarding the crime of forming an organization with the aim of committing a crime are applied exactly in terms of this crime.

#### **supplying weapons**

**ARTICLE 315-** (1) Any person who supplies, transports or stores weapons to be used in the activities of the organizations defined in the above article, knowing their purpose, by producing, purchasing or bringing them into the country, is punished with imprisonment from ten to fifteen years.

#### **deal for crime**

**ARTICLE 316-** (1) If two or more persons agree to commit any of the crimes in the fourth and fifth sections of this section, by suitable means, in a manner determined by material facts, they are sentenced to imprisonment from three years to twelve years, depending on the severity of the crimes.

(2) Before the intended crime has been committed or before an investigation has been initiated by agreement. Those who withdraw from this alliance first will not be punished.

## **CHAPTER SIX**

### **Offenses Against National Defense**

#### **The usurpation of military commands**

**ARTICLE 317-** (1) Those who take command of a detachment or navy or a warship or a combat air fleet or a fortress or fortified position or a military base or facility, a port or a city, although they are not legally authorized or employed by the State, are sentenced to life imprisonment. is given.

(2) Among those who are the commanders of the above-mentioned places by being legally authorized or assigned by the State, those who do not obey the orders given by the competent authorities to leave the command are also given the same penalty.

#### **Dismissing people from military service**

**ARTICLE 318-** (1) **(Amended: 11/4/2013-6459/13 art.)** Those who encourage or suggest in a way that will send those who do their military service to desertion or discourage those who will join their military service from doing this service, are sentenced to imprisonment from six months to two years.

(2) If the act is committed through the press and broadcast, the penalty is increased by half.

#### **Encourage soldiers to disobey**

**ARTICLE 319-** (1) Those who incite or incite soldiers or other persons serving under the military administration to disobey the law or break their oaths or violate military discipline or their duties related to military service, and those who praise acts contrary to laws, oaths or discipline or other duties in front of the soldiers, or Those who say that they see well are sentenced to imprisonment from one to three years.

(2) If the act has been committed publicly, a prison sentence of two to five years is imposed.

(3) If the act was committed during war, the penalty is increased by one fold.

#### **enlisting a soldier in foreign service, enlistment**

**ARTICLE 320-** (1) Any person who recruits soldiers from among citizens in the country to work in or for the service of a foreigner or foreign State or in favor of them, without the permission of the government, is sentenced to imprisonment from three years to six years.

(2) Among those who are enlisted or armed, soldier or in military age the penalty is increased by one third, if any.

(3) Anyone who accepts the service in the first paragraph is sentenced to imprisonment from one year to three years. is given.

#### **disobeying orders in wartime**

**ARTICLE 321-** (1) Anyone who knowingly violates the orders or decisions of the competent authorities and authorities of the State during wartime is sentenced to imprisonment from one year to six years. is given.

#### **Wartime obligations**

**ARTICLE 322-** (1) A person who fails to fulfill, in part or all, the obligations of the State or a public institution or an organization that performs public services or provides public needs for the needs of the armed forces of the State or the people, in time of war, or does not fulfill the obligations under the contract they have made in order to provide goods or imprisonment of up to one year and a judicial fine of up to ten thousand days.

(2) If the partial or complete non-fulfillment of the obligations is due to negligence, up to three quarters of the penalty may be reduced.

(3) If the partial or complete non-fulfillment of the obligation is caused by the main liable parties and the intermediaries with which they have a contract or their representatives, the same penalties are applied to them.



(4) Persons mentioned in the above paragraphs who cheat in fulfilling their obligations during wartime are sentenced to imprisonment from ten to fifteen years and a judicial fine up to ten thousand days.

#### **Spreading fake news in war**

**ARTICLE 323-** (1) Anyone who disseminates or transmits unfounded or exaggerated or privately-based news or news, or engages in any activity that may harm fundamental national interests, in a way that causes public anxiety and excitement, or undermines the morale of the people or reduces the country's resistance against the enemy. imprisonment from five to ten years.

(2) If the verb;

a) By propaganda,

b) For soldiers,

c) As a result of an agreement with a foreigner,

If it has been committed, the penalty to be imposed is imprisonment from ten to twenty years.

(3) If the act is committed as a result of an agreement with the enemy, a life sentence is imposed.

(4) Anyone who acts to devalue the value of foreign currencies or to influence the value of public papers in a way that threatens the resistance of the nation against the enemy in time of war is sentenced to imprisonment from five years to ten years and a judicial fine of up to three thousand days.

(5) If the act written in the fourth paragraph is committed as a result of an agreement with a foreigner, half of the penalty;

If it is processed as a result of an agreement with the enemy, it is increased by one fold.

#### **Negligence of mobilization duty**

**ARTICLE 324-** (1) A public official who neglects or delays his/her duties related to mobilization during the time of peace is sentenced to imprisonment from six months to three years.

#### **Acceptance of title and similar honors from the enemy**

**ARTICLE 325-** (1) A citizen who accepts an academic degree or honor, title, medal and other honorary rank or salary or other benefits from a state at war with Turkey is sentenced to imprisonment from one year to three years.

### **CHAPTER SEVEN**

#### **Crimes Against State Secrets and Espionage**

##### **State security documents**

**ARTICLE 326-** (1) Any person who partially or completely destroys, destroys or forges documents or documents related to the security of the State or domestic or foreign political interests, or uses them, even if temporarily, in a place other than where they are allocated, fraudulently takes or steals them. imprisonment from eight to twelve years.

(2) If the above-mentioned acts were committed during the war or put the State's preparations for war or its war activity or military actions in danger, a life sentence shall be imposed.

#### **Providing information on state security**

**ARTICLE 327-** (1) Anyone who provides information that, by nature, should remain confidential in terms of the security of the state or its domestic or foreign political interests, is sentenced to imprisonment from three years to eight years.

(2) The act is committed during war or the State's preparations for war or war a life imprisonment sentence is given if he puts his activities or military actions in danger.

#### **Political or military espionage**

**ARTICLE 328-** (1) Any person who provides information that, in terms of the state's security or domestic or foreign political interests, should be kept confidential, for the purpose of political or military espionage, is sentenced to imprisonment from fifteen years to twenty years.

(2) Verb;

a) If it was committed for the benefit of a state at war with Turkey,

b) committed during the war or the State's war preparations or war activity or endangered his military actions,

The offender is punished with aggravated life imprisonment.

#### **Disclosure of information on the security and political benefits of the state**

**ARTICLE 329-** (1) Anyone who discloses information that should be kept confidential due to the nature of the state's security or domestic or foreign political interests is sentenced to imprisonment from five years to ten years.

(2) If the act was committed in time of war or endangered the State's war preparations or war activity or military actions, the perpetrator is sentenced to imprisonment from ten to fifteen years.

(3) If the act occurred as a result of the perpetrator's negligence, the perpetrator is sentenced to imprisonment from six months to two years, in the case specified in the first paragraph, and from three years to eight years in case of existence of one of the situations mentioned in the second paragraph.

#### **Disclosure of confidential information**

**ARTICLE 330-** (1) Any person who discloses information that should be kept confidential due to the nature of the state's security or domestic or foreign political interests, for the purpose of political or military espionage, is sentenced to life imprisonment.

(2) If the act was committed in time of war or put the State's war preparations or war activity or military actions in danger, the perpetrator is sentenced to aggravated life imprisonment.

#### **international espionage**

**ARTICLE 331-** (1) From one year to four years for a citizen who provides information that must be kept confidential in terms of the security of a foreign state or its domestic or foreign political benefits, for the purpose of political or military espionage in favor of another foreign state, or to a foreigner who has provided it in Turkey. up to a prison sentence.

#### **Entering military restricted areas**

**ARTICLE 332-** (1) Those who enter places that are prohibited for the military benefit of the state, secretly or by fraud, are sentenced to imprisonment from two years to five years.

(2) If the act is committed during wartime, the perpetrator is sentenced to imprisonment from three to eight years.

#### **Benefiting from state secrets, disloyalty in state services**

**ARTICLE 333-** (1) Any person who uses or enables to use the scientific discoveries or new inventions or industrial innovations that he learned due to his duty and which the State's security requires to be kept confidential, for his own benefit or for someone else's benefit, is sentenced to imprisonment from five years to ten years and a judicial fine up to three thousand days.

(2) If the act is committed for the benefit of a state at war with Turkey, or if it endanger the war preparations or war activity or military actions of the State, the perpetrator is sentenced to life imprisonment.

(3) If a person assigned by the State of Turkey to perform a certain work belonging to the State in a foreign country does not fulfill this duty faithfully and damage may occur due to this act, the perpetrator is sentenced to imprisonment from five years to ten years.

(4) Those who are informed that the crimes defined in this article will be committed but do not report them to the authorities in a timely manner, are sentenced to imprisonment from six months to two years, even if the crime is at the level of attempt.

#### **Obtaining prohibited information**

**ARTICLE 334-** (1) Any person who provides information that is prohibited by the competent authorities according to laws and regulatory procedures and which should be kept confidential due to its nature is sentenced to imprisonment from one year to three years.

(2) The verb refers to the State's war preparations or war activity or military actions.  
the perpetrator is sentenced to imprisonment from five to ten years.

#### **Procurement of prohibited information for espionage purposes**

**ARTICLE 335-** (1) Anyone who obtains information that is prohibited by the authorities according to laws and regulatory procedures and which must be kept confidential due to its nature, for the purpose of political or military espionage, is sentenced to imprisonment from eight years to twelve years.

(2) If the act is committed for the benefit of a state that is at war with Turkey or puts the war preparations or war activity or military actions of the State in danger, the perpetrator is sentenced to aggravated life imprisonment.

#### **Disclosure of prohibited information**

**ARTICLE 336-** (1) Anyone who discloses information that is prohibited by the competent authorities according to laws and regulatory procedures and that should be kept confidential due to its nature is sentenced to imprisonment from three years to five years.

(2) If the act was committed in time of war or endangered the war preparations, war activity or military actions of the State, the perpetrator is sentenced to imprisonment from ten to fifteen years.

(3) If the act has occurred as a result of the perpetrator's negligence, the perpetrator as written in the first paragraph. imprisonment from six months to two years, and from three years to eight years as written in the second paragraph.

#### **Disclosure of prohibited information for the purpose of political or military espionage**

**ARTICLE 337-** (1) Anyone who discloses information, which is prohibited by the authorities according to laws and regulatory procedures and which should be kept confidential due to its nature, for the purpose of political or military espionage, is sentenced to imprisonment from ten to fifteen years.

(2) An aggravated life imprisonment is imposed if the act was committed in time of war or puts the State's preparations for war or war activity or military actions in danger.

#### **Committed acts of espionage as a result of negligence**

**ARTICLE 338-** (1) If the commission of the crimes defined in this section is possible or facilitated as a result of the persons concerned acting in breach of the duty of care and attention, the perpetrator who acts negligently is sentenced to imprisonment from six months to three years.

(2) If the act was committed during the war or put the State's war preparations or war activity or military actions in danger, the perpetrator who acts negligently is sentenced to imprisonment from three years to eight years.

#### **Possession of documents related to state security**

**ARTICLE 339-** (1) Documents or anything of this nature, which are used to obtain information that should be kept confidential in terms of the security of the state or its domestic or foreign political interests, or matters that the competent authorities have prohibited from being disclosed and which should be kept confidential due to their nature, and which cannot be shown to have an acceptable reason for keeping them. Anyone caught is sentenced to imprisonment from one to five years.

(2) If the act is committed during wartime, the perpetrator is sentenced to imprisonment from three to eight years.

### **CHAPTER EIGHT**

#### **Offenses Against Relations with Foreign States**

##### **Crime against foreign head of state**

**ARTICLE 340-** (1) The punishment to be imposed on a person who commits a crime against the head of one of the foreign states is increased by one eighth. If the crime requires a life sentence, aggravated life imprisonment is imposed.

(2) If the act is one of the crimes whose investigation and prosecution depends on the complaint, the investigation and prosecution depends on the complaint of the foreign state.

### **Insulting a foreign flag**

**ARTICLE 341-** (1) Officially hoisted the flag of a foreign state or other sovereign

Anyone who publicly insults his signs is punished with imprisonment from three months to one year.

(2) Investigation and prosecution for this crime depends on the complaint of the state concerned.

### **Crime against foreign state representatives**

**ARTICLE 342-** (1) Representatives of foreign states permanently or temporarily assigned in the Republic of Turkey and their diplomatic officers or representatives of international organizations and their officials who are granted diplomatic privileges and immunity, are considered public officials in terms of crimes committed against them due to their duties; Persons who commit crimes are punished in accordance with the relevant provisions of this Law.

(2) If the crime committed is defamation, investigation and prosecution depends on the complaint of the victim.

### **reciprocity condition**

**ARTICLE 343-** (1) The implementation of the provisions written in this section is subject to reciprocity.

## **CHAPTER NINE**

### **Final Provisions**

#### **Provisional Article 1 – (Annex: 11/4/2013-6459/14 art.)**

(1) With the Law establishing this article, the provisions made in article 235 of this Law  
A decision of non-jurisdiction cannot be given in cases pending due to amendments.

### **Force**

**Article 344-** (1) This Law;

a) On the date of publication of Article 184 titled "Causing zoning pollution",  
b) Two years after the first paragraph of Article 181 titled "Deliberate pollution of the environment" and the first paragraph of Article 182 titled "Pollution of the environment by negligence",

c) Other provisions on 1 June 2005,<sup>104</sup>  
enters into force.

### **Executive**

**Article 345-** (1) The provisions of this Law are executed by the Council of Ministers.

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<sup>104</sup> The phrase "April 1, 2005" in this article has been changed as "June 1, 2005" with the Provisional Article 1 of the Law No. 5328 dated 31/3/2005 and included in the text.

**PROVISIONS THAT CANNOT BE IMPLEMENTED IN THE LAW NUMBER 5237**

**1- Provisional Article 1 of the Law No. 5560 dated 6/12/2006:**

**PROVISIONAL ARTICLE 1** – In cases that have been adjudicated as of the effective date of this Law, but have not yet been finalized, a decision to reverse cannot be made on the grounds that the scope of reconciliation has expanded.

**LEGISLATION BRINGING ADDITIONAL AND AMENDMENTS TO THE LAW NUMBER 5237 OR  
PROVISIONS CANCELED BY THE CONSTITUTIONAL COURT**

**LIST SHOWING THE EFFECTIVE DATE**

<b>Amending the Law/ Canceling the Constitution of the court Decision Number</b>	<b>Amended or Canceled Articles of Law No. 5237</b>	<b>Effective Date</b>
5328	59, 62, 85, 86, 87, 88, 90, 116, 235, 344	31/3/2005
5378	122	7/7/2005
5377	4, 7, 13, 30, 31, 43, 61, 66, 82, 84, 87, 103, 105, 107, 125, 145, 150, 155, 158, 168, 184, 188, 190, 191, 218, 221, 245, 252, 263, 268, 269, 288, 292, 293, 299, 302, 304, 305	8/7/2005
Constitution of the Court dated 23/11/2005 and E.: 2005/103, K.: Decision No. 2005/89	104	25/2/2006
5560	61, 73, 80, 87, 89, 142, 191, 221, 227, 234, 245 and Unprocessable Provision	19/12/2006
5739	50	1/3/2008
5759	301	8/5/2008
5841	154	14/3/2009
5918	13, 55, 165, 254, 282	9/7/2009
6008	79	25/7/2010
6086	257	19/12/2010
6217	191	14/4/2011

Amending the Law/ Canceling the Constitution of the court Decision Number	Amended or Canceled Articles of Law No. 5237	Effective Date
Constitution of the Court dated 7/7/2011 and E.:2010/69, K.:2011/116 decision	297	21/4/2011
Constitution of the Court dated 30/6/2011 and E.:2010/52, K.:2011/113 decision	278	15/10/2011
6352	132, 133, 134, 141, 142, 163, 168, 220, 250, 252, 254, 255, 257, 277, 278, 285, 288	5/7/2012
Constitution of the Court dated 17/11/2011 and E.: 2010/115, K.: Decision No. 2011/154	The seventh paragraph of article 267	17/3/2013
6456	158	18/4/2013
6459	94, 215, 220, 235, 318, Provisional Article 1	30/4/2013
6460	263	30/4/2013
6462	122, 278	3/5/2013
Constitution of the Court dated 10/4/2013 and E.: 2013/14, K.: Decision No. 2013/56	267	from 10/12/2013 six months after starting (10/6/2014)
6526	135, 136, 138	6/3/2014
6529	112, 113, 115, 122, 222	13/3/2014
6545	12, 18, 102, 103, 104, 105, 142, 143, 149, 152, 188, 190, 191, 277	28/6/2014

<b>Amending the Law/ Canceling the Constitution of the court Decision Number</b>	<b>Amended or Canceled Articles of Law No. 5237</b>	<b>Effective Date</b>
6638	188, 191	4/4/2015
Constitution of the Court dated 14/1/2015 and E.: 2014/116, K.: Decision No. 2015/4	272	From 29/4/2015 six months after starting (29/10/2015)
Constitution of the Court dated 27/5/2015 and E.: 2014/36, K.: Decision No. 2015/51	230	10/6/2015
Constitution of the Court dated 8/10/2015 and M.: 2014/140, K.: Resolution 2015/85	53	24/11/2015
Constitution of the Court dated 12/11/2015 and E.: 2015/26, K.: Decision No. 2015/100	103	From 11/12/2015 starting one year later (11/12/2016)
6698	135, 226, 243, 245/A	7/4/2016
6706	18	5/5/2016
Constitution of the Court dated 26/5/2016 and M.: 2015/108, K.: Decision 2016/46	103	from 13/7/2016 six months after starting (13/1/2017)
6754	276	24/11/2016
6763	54, 75, 103, 158, 174, 179, 192, 227, 228, 297	2/12/2016
Decree 694	188, 190, 228	25/8/2017



Amending the Law/ Canceling the Constitution of the court Decision Number	Amended or Canceled Articles of Law No. 5237	Effective Date
7078	188, 190, 228	8/3/2018
Decree/700	6,47,287	together on 24/6/2018 Turkish Grand National As a result of the parliamentary and presidential elections On the date when the President took his oath (9/7/2018)
7188	75, 136	24/10/2019
7196	79	24/12/2019
7242	50, 51, 53, 86, 87, 220, 241,	15/4/2020
7328	57, 59	25/6/2021
7331	82, 86, 96, 109	14/7/2021
7332	151	14/7/2021
7406	62, 82, 86, 94, 96, 106, 113, 123/A	27/5/2022
7413	237, 240	28/6/2022